

Exhibit A

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

COURT FILE NO. 20-cv-01338
(JRT-JFD)

Linda Tirado,

Plaintiff,

v.

City of Minneapolis; Interim
Minneapolis Chief of Police
Amelia Huffman, in her official
capacity; Robert Kroll, in his
Individual capacity; Andrew Braun,
in his official and individual
capacities; and Minneapolis
Police Department Officer John
Does 1-4, in their official and
individual capacities,

Defendants.

REMOTE DEPOSITION OF JARED GOYETTE

DATE: April 4, 2022

TIME: 8:00 a.m. CDT

PLACE: Veritext Virtual Videoconference

REPORTED BY: Jill Garrison, RPR

VERITEXT TECH CONCIERGE: Paul Rafferty

Whereupon, on April 4, 2022 at 8:00 a.m. CDT, the
following proceedings were duly hosted by Veritext Legal
Solutions, with all of the attendants appearing via virtual Zoom
videoconference.

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REPORTER'S NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily indicate an exact quote from the document.

* * *

1 (Upon Witness JARED GOYETTE being sworn, the
2 following proceedings were duly had:)

3
4 JARED GOYETTE,
5 after having been first duly sworn,
6 testified and stated as follows:

7
8 EXAMINATION

9 BY MS. ROBERTSON:

10 Q. Good morning, Mr. Goyette.

11 A. Good morning.

12 Q. My name is Heather Robertson. I'm an attorney
13 for the city of Minneapolis. I just wanted to start
14 out by asking, how would you prefer I address you. Is
15 Mr. Goyette okay with you?

16 A. Mr. Goyette is fine or, Jared, whichever sounds
17 natural. I'm just not used to seeing my last name so
18 much as has happened because of this proceeding.

19 Q. That makes sense. So I'm just going to go over
20 some of the rules of how depositions work. Possibly
21 your attorney talked to you about these already but I
22 just want to make sure everybody is clear how we are
23 operating. So as you can see there is a court reporter
24 in another Zoom window here who is taking down
25 everything we say. So it is important to answer my

1 questions by saying yes or no or speaking out loud and
2 not saying uh-huh or huh-uh just because she can't
3 accurately capture what that is.

4 A. Yeah.

5 Q. Also, just a good example of what I was about
6 to say, naturally when we speak, we kind of anticipate
7 what the end of the person's sentence is going to be
8 and we talk over each other. But, again, because a
9 court reporter is taking down what we say, if we start
10 talking over each other, she will interrupt us and say
11 you have to wait for us to finish. And I make this
12 mistake, I have done this before and I still make this
13 mistake of talking over each other.

14 A. Like doing a radio interview.

15 Q. Exactly. Exactly. And then also, your
16 attorney or another attorney for Ms. Tirado might
17 object to a question, but basically the objection will
18 be noted for the record, which will be saved for a
19 judge to rule on later if that becomes necessary, but
20 ultimately you will still have to answer the question
21 unless your attorney directs you not to answer the
22 question. And then, if at any time you need a break,
23 you can ask for one, the only caveat is if I have asked
24 you a question, you just need to answer the question
25 that I have asked and then we can take a break right

1 after.

2 A. Okay.

3 Q. All right?

4 A. Makes sense.

5 Q. Okay. So, Mr. Goyette, did you do anything to
6 prepare for this deposition?

7 (Whereupon, the witness's line dropped and
8 the witness had to sign back in.)

9 THE WITNESS: Are we back on? I backed up
10 and went over the cord of my computer, which ended my
11 transmission. Let me make sure I'm actually charging.
12 Okay.

13 BY MS. ROBERTSON:

14 Q. Okay. So, Mr. Goyette, did you do anything to
15 prepare for this deposition?

16 A. Yeah. I read through a few things. I read
17 through my tweets because, you know, it was two years
18 ago, you want to refresh your memory. I read through
19 the Tirado latest filing that brought us here today
20 just to make sure I understood the context. I read
21 through my declaration. And I had a few meetings with
22 -- two meetings with the lawyers, with counsel, as you
23 would say. And I requested off work.

24 Q. Okay. So besides any meeting with your
25 attorney, which I don't want to know the substance of

1 any meeting with your attorney, did you speak with
2 anyone else in advance about this deposition?

3 A. Only for the purposes of like scheduling, like,
4 I can't come in because I have this happening, and
5 people knowing where I would be, but nothing beyond
6 that.

7 Q. Okay. And so is there any reason this morning,
8 today, that you would be unable to recall and recount
9 facts accurately? Like, are you feeling ill?

10 A. Nothing of that nature, no.

11 Q. Are you on any medications? Okay. All right.
12 And so as you know, we are here in the matter of Linda
13 Tirado versus the city of Minneapolis. Do you know who
14 Linda Tirado is?

15 A. Yeah.

16 Q. And can you tell me, who is she?

17 A. She is a journalist. She is known for covering
18 protests and, obviously, more recently for losing an
19 eye while covering a protest here.

20 Q. And have you ever directly communicated with
21 Ms. Tirado?

22 A. Briefly. In the course of work at some point
23 after she lost her eye, I remember conveying basic
24 empathy for her situation or for what had happened to
25 her as it resonated with me, but was more severe.

1 Q. How did you communicate with her?

2 A. We spoke over the phone at some point and, you
3 know, the only concrete thing I remember from that
4 conversation is just expressing empathy. Yeah.

5 MR. SCHWARTZ: And, Jared, I'm just going to
6 caution you not to disclose communications with
7 Ms. Tirado that, you know, that are related to your
8 work as a journalist or the rise in the context of your
9 work as a journalist.

10 THE WITNESS: Yeah, that was the context,
11 but, you know, I can also say truthfully that the only
12 thing I concretely remember from that is expressing
13 basic empathy.

14 BY MS. ROBERTSON:

15 Q. Okay. And have you ever communicated with
16 someone who identified themselves as Ms. Tirado's
17 attorney?

18 A. No.

19 Q. Have you been asked by Ms. Tirado to testify in
20 her case?

21 A. No, not to my knowledge. The first thing I
22 heard about it was a tweet, someone else's tweet.

23 Q. Do you remember whose tweet that was?

24 A. Tony Webster.

25 Q. All right. So, I believe I know the answer to

1 this but, Mr. Goyette, what is your profession?

2 A. I'm a journalist. At the moment I'm working as
3 a desk editor and enterprise digital reporter at FOX 9.

4 Q. Can you give me a little idea of what that
5 means?

6 A. Sure. Desk editor is essentially you're
7 running the news desk, which means responsibility for
8 the website, responsibility for social media and for
9 coordinating where the photographers or camera people
10 are. Make sure they are at the right places or if
11 there is breaking news, we get someone there, as well
12 as keeping track on any things we might need to be
13 recording in terms of press conferences or other events
14 that we may want footage of. And then I have one day a
15 week where I can sort of do my own reporting.

16 Q. Okay. How long have you been at FOX 9?

17 A. That's a fairly recent -- I would have to go
18 back and check the exact date, but I would say like a
19 month. That's not exact. Around that time.

20 Q. So what were you doing before that?

21 A. I was doing a mix of freelancing and I also
22 work for the Wild or for the NHL as a replay tech.

23 Q. The Wild, NHL gig, is that journal related?

24 A. Not really, it is some of the same skill sets,
25 but I help a goal judge and the referee supervisor find

1 the correct camera angles to either, one, determine if
2 there was a goal or not or, two, evaluate a referee's
3 decision in real time.

4 Q. Okay. So when you said you were doing
5 freelance, apart from doing this Minnesota Wild game,
6 what was -- what does it mean to be a freelance
7 journalist?

8 A. It means you are contracted per story or
9 assignment and work with an editor to its completion.

10 Q. Are you contracted before you start doing the
11 reporting on the story?

12 A. Yeah. The way that that works in a technical
13 sense can differ from publication to publication. You
14 know, if some places where you have an existing
15 relationship, where you already have a contract signed,
16 you don't need to sign a new contract for a new
17 assignment. Where if it is a new relationship, you may
18 begin with a verbal agreement and then a contract may
19 come down the line, either -- even after the story is
20 completed, as long as it is established over e-mail
21 what the agreement is.

22 Q. Is the idea for the story already -- I mean, do
23 you know the story before you get the agreement for the
24 freelance assignment?

25 A. Generally, yes. Relevant to the time period

1 that we are talking about today is sometimes you are
2 just paid -- sometimes you are paid by a story,
3 sometimes you are paid a day rate, which means: We are
4 going to contract you for a series of days no matter
5 what news happens and you are going to be working for
6 us and basically covering things as we direct as they
7 come up.

8 Q. Okay.

9 A. So you have time periods where you are
10 contracted or you have specific stories.

11 Q. Okay. And how long were you working as a
12 freelance journalist, you know, before you started at
13 FOX?

14 A. Well, I mean, the most direct way of answering
15 that would be that I have been working as a freelance
16 journalist off and on since I arrived in Minnesota
17 about six years ago.

18 Q. Okay. And how did you end up becoming a
19 freelance journalist?

20 A. Well, I moved to Minnesota to be close to my
21 daughter. I didn't come here with like any job offer
22 or anything in hand. I knew that, obviously,
23 journalism was an area where I had experience and until
24 I found a permanent job, it seemed like the thing to
25 do, so I started sending inquiries out after I arrived

1 in Minnesota and found my first regular gig doing
2 write-ups for Public Radio International shows, taking
3 a radio script and turning it into a web article, or
4 just a recording of an interview and turning it into
5 either/or.

6 Q. Okay. So you said before you came to Minnesota
7 you had experience in journalism. What was your
8 previous experience in journalism?

9 A. Let's see if I can -- Is it alright if instead
10 of going backwards, I start from when I started?

11 Q. Sure.

12 A. Just because it is easier for me to remember in
13 that kind of order. I studied geography and urban
14 studies -- essentially urban studies -- in school but
15 decided toward the end of my time that I wanted to sort
16 of be in the field, be in the writing, interviewing
17 people talking as opposed to doing policy work. I got
18 a -- I worked -- I was in school and I had a job and I
19 got an internship or a chance to write for Alternative
20 Weekly. That led me to get enough clips where I could
21 apply for an internship at a small local paper near
22 where I grew up in suburban Philadelphia.

23 From there, I sort of -- I got enough clips at the
24 end of school to apply for my first job, but I hadn't
25 studied journalism, and one way to break into the field

1 is to go into remote areas. So I got a job in rural
2 South Carolina at a city hall and crime cops reporter
3 for a small paper in Walterboro, South Carolina. I
4 worked in that area of South Carolina for about two
5 years then mainly covering crime and politics and some
6 feature stories. When you are at a small paper, you
7 have to do a lot.

8 From there, I went to -- my partner at the time had
9 -- you know, she had followed me to South Carolina, so
10 I agreed to follow her to her next spot and she wanted
11 to do a doctorate in south Florida. From there just
12 went, but went to grad school, got an internship with
13 the Miami Herald, ended up working at the Miami Herald,
14 where I ended up with a job that is sort of an
15 assignment editor job, it's very similar to what I do
16 at FOX 9, but I was also overseeing some of their local
17 partnerships in terms of hyper-local or
18 neighborhood-local coverage.

19 That led me to eventually be recruited to be an
20 editor of what at the time was a start-up, Sacramento
21 Press, in Sacramento. I was there for about a year and
22 a half or so, but the owner decided to sell. It was a
23 privately-owned business, so helped wrap that up. Took
24 a job with Fusion, which at the time was another
25 start-up, this one though with Disney and Univision.

1 And I worked -- focused on Latin America there as an
2 editor and writer as needed in Univision's offices.
3 That also eventually slowly wound down and I, you know,
4 when I got laid off there, I got a severance check, I
5 came to Minnesota.

6 In Minnesota, I started freelancing for Public
7 Radio International. I got a grant for a year to work
8 on sort of -- it was focused on the Syrian Refugee
9 crisis and a lot of youth protests were happening in
10 the world. And from there -- that lasted a year. Then
11 I went back to freelancing and I was at WCCO and then
12 after an extended period of freelancing, I went to WCCO
13 radio, worked there for a year or so, was part of a
14 mass layoff from Covid, went back to freelancing, which
15 concerns the period that we're talking about now, and
16 then FOX 9.

17 Q. All right. Thank you. You mentioned that when
18 you were working on this -- reporting on the Syrian
19 refugee crisis, that there was protests involved in
20 that. Is that --

21 A. Yes.

22 Q. How so?

23 A. Well, there was a moment where there was like
24 flash points of youth protests around the world. I'm
25 thinking like electric -- what was it -- I don't want

1 to -- I don't want to misstate the country's places.
2 Yerevan is -- oh, what capital -- well protests in
3 eastern Europe, protests in Central America were part
4 of what I was assigned to do and oftentimes that would
5 be involved finding English speakers that were part of
6 those movements that could be on an MPR show and help
7 explain what was happening from their perspective to
8 the audience.

9 Q. Did that involve traveling to these areas where
10 these protests were occurring?

11 A. No, it was all remote, because oftentimes it
12 would be -- one week it would be one place and another
13 week it would be another.

14 Q. So you said you didn't study journalism in your
15 undergraduate but you went to grad school. Was that in
16 journalism?

17 A. No, I decided to do Latin American studies but
18 then ended up becoming full time at the Miami Herald
19 and dropping the pursuit of that degree just to focus
20 on the job, and also the kid at the time, so it became
21 more important to focus on the job while her mother was
22 in school. So it was important that I would be
23 working.

24 Q. So please forgive my ignorance of the
25 journalism field. Is there any sort of professional

1 associations or other organizations that you belong to
2 as a journalist?

3 A. No, that's a fair question. I think in terms
4 of applying to places, it's really -- it's -- your
5 credentials are your clips, the work that you have done
6 is the key thing. I have been, at times, a part of the
7 Society of Professional Journalists here in the Twin
8 Cities and also a part of the On-Line News Association.

9 Q. Are there particular professional or ethical
10 guidelines that you follow as a journalist?

11 A. Yeah, I think there is a Society of
12 Professional Journalism. SPJ has a good outline in
13 terms of those. But, yeah, there is lots of moral and
14 ethical considerations that govern what we do. And
15 some of them are in flux, yeah. Go ahead.

16 Q. Sorry. What do you mean some of them are in
17 flux?

18 A. Oh, just like any other profession. There is
19 lots of discussion and debate around the guidelines.

20 Q. I guess, is there any -- as a lawyer, I'm a
21 member of the bar and if I, you know, were to have an
22 ethical violation, there could be a complaint and I
23 could be disbarred. Is there any sort of similar
24 centralized organization for journalists --

25 A. No, and very intentionally, but no.

1 Q. Okay. So how is the understanding of what the
2 sort of professional standards and ethical standards of
3 journalism, how is that disseminated to anyone who is a
4 journalist?

5 A. I'm not even sure if that's for me to say. You
6 know, it's -- it's something that you learn in practice
7 and from the editors that you work with and you -- the
8 key thing is to know the basics in terms of
9 independence and facts and reporting and also to
10 understand the specific guidelines of the publication
11 you are working for.

12 Q. Okay. When you talk about independence, what
13 do you mean by that for a journalist?

14 A. You --

15 MS. TRIBIÉ: For the -- Sorry, Mr. Goyette.
16 For the record, I'm just going to object to this line
17 of questioning. For the record, I'm counsel for
18 Ms. Linda Tirado and I am going to object.

19 BY MS. ROBERTSON:

20 Q. So here is an example of when the attorney
21 objects and you still go ahead and answer the question.
22 So what do you mean by independence in journalism?

23 A. That you, in anything that you are covering,
24 you are not -- you have to maintain independence of
25 thought. You are not on the side of any of the

1 parties, that you are there as an independent observer
2 to document what happens in a way, as close to
3 objectively true as you can.

4 Q. And then individual publications that you work
5 for might have their own guidelines as to what, you
6 know, they believe their journalists should be doing or
7 not doing?

8 A. Yes.

9 Q. Okay. And so you have talked a lot about, kind
10 of, you have worked in radio, you have worked, it
11 sounds like, in print media. What other sort of
12 mediums of journalism have you worked in?

13 A. Well, Fusion was a cable network. Sacramento
14 Press was a digital start-up. Now I'm working for
15 local TV. So it covered the major mediums.

16 Q. When you were a freelancer, did you take your
17 own photographs?

18 A. At times, yes. And, also, when I was -- that
19 was also true when I worked at small publications, like
20 in South Carolina I would often have to take my own
21 photographs for stories I was working on.

22 Q. So did you have your own photography equipment?

23 A. Yes.

24 Q. Now, you talked a little bit about the work
25 that you did reporting on protests regarding the Syrian

1 refugee crisis. Prior to May 2020 had you done any
2 other reporting on protests?

3 A. Yeah. A lot of the work I did at Fusion was
4 around a particular case in Mexico, the Ayotzinapa
5 case. And that involved, in addition to a criminal
6 investigation where you had to follow, it also had a
7 protest movement associated with it. And I would say
8 that it's, you know, covering social movements and
9 associated protests has been a -- one of the themes of
10 things I have come back to repeatedly.

11 Q. Why is that?

12 A. Because I understand how they -- I understand
13 how they operate and organize themselves.

14 Q. How is it that you have an understanding of how
15 they operate and organize themselves?

16 A. Experience on the ground.

17 MR. SCHWARTZ: I'm not going to object. I
18 am just going to note though that, you know, we do have
19 limited time this morning and that's because we made a
20 real effort to try to give you the opportunity to
21 examine Mr. Goyette prior to your deadline of today
22 that the court imposed. And we are pretty far afield,
23 but it is up to you how you want to spend your time.

24 MS. ROBERTSON: Okay, Mr. Schwartz, I
25 appreciate that.

1 BY MS. ROBERTSON:

2 Q. All right. Mr. Goyette, did your understanding
3 of how protests organize and operate come from being a
4 protester or come from your work as a journalist?

5 A. It came from my work as a journalist.

6 Q. Now, these other kinds of protest movements
7 that you have reported on, did you cover them kind of
8 from the field, from the midst of the protests?

9 A. No. The -- I had some early experience with
10 that around when I was in college working with student
11 media and at the time, the internet wasn't as
12 ubiquitous as it is now.

13 Q. Okay. Have you done much reporting from large
14 scale events where there is a lot of journalists out in
15 public with you?

16 A. Certainly in Minnesota because I was -- a lot
17 of the freelance work I did was for international or
18 national publications and they tend to cover Minnesota
19 when there are large scale events. I'm sure it's
20 happened in other situations, but it is not as common
21 when you are in local news.

22 Q. When you are out in the field, how do you
23 identify other individuals as journalists?

24 MS. TRIBIÉ: I'm just going to object as too
25 broad.

1 BY MS. ROBERTSON:

2 Q. If you understand my question, go ahead.

3 A. It's a difficult question to answer, to be
4 honest with you, because it is very broad and a lot of
5 these things are contextual. So it would really sort
6 of depend on the situation so I could answer more
7 precisely. But, you know, you identify journalists by
8 principally what they are doing. And how they are
9 acting in a situation is usually what identifies them.
10 Beyond that, there are signifiers in terms of dress and
11 equipment and everything like that, but I would say the
12 principle thing is how they are acting or what they are
13 actively doing.

14 Q. What kind of things that you observe would make
15 you think that person is a journalist?

16 MS. TRIBIÉ: I'm also, for the record, going
17 to note that this is really outside of the scope of the
18 judge's order and what the scope of discovery is for
19 this deposition.

20 MS. ROBERTSON: Okay. Gaëlle, I think you
21 can make that objection shorter. So, if you want to do
22 that next time, if you want to object, outside the
23 scope, you don't need a 30-second sentence.

24 MS. TRIBIÉ: Now that I have established for
25 the record, let's just establish what the scope is for

1 the record and then I will make it shorter going
2 forward, Heather. So the scope of it is that this is
3 solely for the city defendants to take discovery on the
4 new request for injunctive relief in Plaintiffs' Second
5 Amended Complaint. So I will -- in the future when I
6 object on that ground, that is because the questions
7 are outside of the scope of the judge's order.

8 MS. ROBERTSON: Okay. Sounds good.

9 BY MS. ROBERTSON:

10 Q. Okay. So, Mr. Goyette, my question was
11 approximately, if you are out in the field, what kind
12 of things that you saw someone else doing would make
13 you think, that person is a journalist?

14 A. They would be actively trying to document what
15 is happening through whatever means that they have
16 depending on the medium that they work in without
17 directly participating in the same way that the actors
18 would.

19 Q. Okay. Is it possible that they are just using,
20 for example, a smart phone to document?

21 A. Yes, that's correct.

22 MS. TRIBIÉ: Also, just for the record, can
23 we agree that any objections made by Mr. Goyette's
24 counsel are also lodged on behalf of Plaintiff Linda
25 Tirado as well.

1 MS. ROBERTSON: I don't know that we need to
2 agree to that.

3 MS. TRIBIÉ: Just for the sake of both of us
4 not having to object at the same time. If he objects,
5 it also --

6 MS. ROBERTSON: Okay. Your objection tag-on
7 is noted.

8 BY MS. ROBERTSON:

9 Q. Okay. So you mentioned what they were doing
10 would be your principle means of identifying them, but
11 you said also perhaps what they were wearing? Did I
12 misquote you there? I apologize if I did.

13 A. No. In certain contexts, that can be useful.

14 Q. Okay. And you said equipment; is that right?

15 A. That can be a signifier. But it is not a
16 necessary signifier, but it can help in the
17 determination.

18 Q. What kind of equipment?

19 MS. TRIBIÉ: Again, objecting to this line
20 of questioning as outside of the scope of discovery.

21 BY MS. ROBERTSON:

22 Q. What kind of equipment, Mr. Goyette?

23 A. First of all, I'm not really -- it is not --
24 this is not my area of expertise and I think -- but to
25 put it in the broadest way possible, anything that is

1 used to document. That could be a recorder, that could
2 be a notebook, that could be a camera, that could be a
3 smart phone used in specific ways. Now, that's -- I
4 think the important thing is, I might be forgetting
5 something and I don't want to be put on the spot for
6 having to come up with a comprehensive list of all the
7 pieces of possible equipment that a journalist has to
8 have to be a journalist. I'm not in a position to do
9 that right now, which is why I come back to the first
10 thing I said, which is that the principle thing is what
11 they are doing and how they are acting at the scene.

12 Q. Okay. I think I understand what you are trying
13 to say. And I am not trying to trick you into
14 forgetting something. I'm just trying to get some
15 information.

16 Let me shift gears a little bit. Do you have a
17 social media account?

18 A. Yes.

19 Q. And what social media forums do you have
20 accounts on?

21 A. Twitter, Instagram --

22 MS. TRIBIÉ: I just object as outside the
23 scope of this deposition.

24 BY MS. ROBERTSON:

25 Q. All right. Sorry. You said Twitter,

1 Instagram; is that right, Mr. Goyette?

2 A. Yes.

3 Q. Did you have any others?

4 A. Facebook.

5 Q. Facebook?

6 A. Linked In I don't really use. Snapchat I don't
7 really use. TikTok I use even less. I recently had my
8 daughter not use it.

9 MS. TRIBIE: I'm just going to object just
10 again for the record.

11 MS. ROBERTSON: I think your objection is on
12 the record, Gaëlle. Thank you.

13 BY MS. ROBERTSON:

14 Q. Okay. Social media, TikTok. All right.
15 What's your Twitter handle?

16 A. My name.

17 Q. So --

18 MS. TRIBIE: Objecting again as to
19 relevance.

20 BY MS. ROBERTSON:

21 Q. So @JaredGoyette; is that right?

22 MS. TRIBIE: Objecting again as to
23 relevance.

24 THE WITNESS: That's right.

25 BY MS. ROBERTSON:

1 Q. Okay. Has anyone besides you ever posted
2 content under your Twitter handle?

3 MS. TRIBIÉ: Objecting as to relevance and
4 outside of the scope of this deposition.

5 THE WITNESS: Not to my knowledge.

6 BY MS. ROBERTSON:

7 Q. So any tweets appearing as posted by Jared
8 @JaredGoyette would be written by you?

9 MS. TRIBIÉ: Objecting to relevance and
10 outside of the scope of this deposition.

11 THE WITNESS: Correct.

12 BY MS. ROBERTSON:

13 Q. Okay. Thank you. All right. I want to shift
14 to talking about specifically protests at the end of
15 May of 2020. Do you recall how you learned about the
16 murder of Mr. George Floyd?

17 A. I do.

18 Q. When did you learn about that?

19 A. I --

20 MS. TRIBIÉ: Objecting as irrelevant. I'm
21 sorry. Go ahead, Mr. Goyette.

22 THE WITNESS: No, I'm sorry. I should have
23 waited.

24 I learned about it through a mix of that
25 evening, there -- I -- I don't remember what I was

1 doing but I remember I wasn't focused on social media,
2 but I started to get -- started to see something about
3 a powerful video and then I started to get -- and then
4 got messages from organizers indicating that this is
5 something serious, and I went out to the scene the next
6 morning.

7 BY MS. ROBERTSON:

8 Q. And what scene was that?

9 A. The corner where it --

10 Q. And I mean, what location.

11 A. Yeah. The corner where George Floyd was
12 killed.

13 Q. And that would be 38th and Chicago?

14 A. Yeah.

15 Q. And were you out there trying to cover the sort
16 of reaction to the murder or were you just there sort
17 of --

18 A. Yeah, I was -- I had a standing contract with
19 the Washington Post and I had had some initial
20 communication from them that this is something that we
21 should cover. They okayed it. And I went out.

22 Q. Was this the kind of situation where you agreed
23 to kind of a set number of days or was there a
24 particular story that you were covering?

25 A. You know, it evolved into a set number of days.

1 The -- but, yeah, it was -- the first thing I did was
2 to get approval, so I knew that who all I was with and
3 then went to the scene and I think that we figured out
4 the details in terms of how to approach it later. The
5 key thing was that once -- was to get there as soon as
6 I could.

7 Q. So you were at 38th and Chicago on the morning
8 of, you said the morning after that he was killed?

9 A. Uh-huh.

10 Q. So that would be May 26th, 2020?

11 A. Correct.

12 Q. Okay. And when you were at that location, did
13 you see any members of law enforcement?

14 A. No. Well, I'm trying to -- again, I don't want
15 to forget. I did have the impression that police were
16 not trying to maintain a very active visible presence
17 at the scene. It was mainly protesters or the
18 beginning of protesters. But that's not to say that
19 there wasn't an officer present at all. I don't want
20 to, you know, neglect to say that if there were.

21 Q. Okay. So it sounds like you just don't
22 remember. Is that fair?

23 A. Yeah, I can safely say there was not a big
24 presence, but I can't say for sure whether -- I'm not
25 saying there was no police there.

1 Q. Okay. So when did you first notice the
2 presence of law enforcement, either there or somewhere
3 else?

4 A. I -- where I remember it most distinctly was at
5 the Third Precinct when there was a march from -- that
6 evening, there was a march from 38th and Chicago to the
7 Third Precinct.

8 Q. Did you walk with the people who were marching,
9 I mean, just to be present?

10 A. Well, I was filing feeds to the Washington Post
11 at that time. So I remember -- I would have filed a
12 feed from the initial event at 38th and Chicago, then
13 during the march I would keep doing another interview,
14 send that feed, so I wasn't -- I was in the -- I was
15 sort of running around in the -- within the march doing
16 interviews and then stopping and then sending a feed
17 and then going back and getting more information and
18 sending more feeds.

19 Q. So if you remember, what equipment did you have
20 with you?

21 MR. SCHWARTZ: Do you want to pin this down
22 on what day and event you are talking about?

23 MS. ROBERTSON: Sure. I'm happy to do that.

24 BY MS. ROBERTSON:

25 Q. On May 26, 2020, when you are kind of, you

1 said, talking to people, you know, in the march on your
2 way to the Third Precinct, what equipment did you have
3 with you?

4 MS. TRIBIÉ: I am just going to object as
5 relevance and outside of the scope of this deposition.

6 THE WITNESS: During that time period, I had
7 with me a basic DSL camera, a monopod, my phone, and a
8 radio recorder and a notebook and a pen.

9 BY MS. ROBERTSON:

10 Q. Did you have these with you on multiple days
11 when you were covering protests at the end of May?

12 A. Yes.

13 Q. And I am just going to ask you in a little bit
14 more detail about this equipment. When you said a
15 basic DSL camera, can you describe that a little bit
16 more?

17 A. Yes --

18 MS. TRIBIÉ: I'm going to object again as to
19 relevance and outside of the scope of this deposition.

20 BY MS. ROBERTSON:

21 Q. You can go ahead.

22 A. I had a Lumix camera, I can't remember the
23 model number right now.

24 Q. Okay.

25 A. But, you know, that had a -- I had two lenses.

1 One shorter, one longer. That camera would be good for
2 video or potentially photos. I had a monopod, I don't
3 remember the model, but that was to stabilize the
4 camera for videos. And it was a monopod because you
5 can carry that more easily and it is more mobile in
6 places like marches or protests. The video recorder I
7 didn't need as much but that was to get, if needed,
8 higher quality audio, which should become relevant
9 later. Phone, principle thing for communicating with
10 editors, et cetera. It is also likely that I had a
11 laptop at different points in a bag that I would carry
12 with me when it became necessary to sort of sit down
13 and write a story or write a longer feed.

14 Q. All right. And can you indicate to me how
15 large the camera was that you were carrying?

16 MS. TRIBIÉ: I'm going to object as to
17 relevance and outside of the scope of this deposition.
18 BY MS. ROBERTSON:

19 Q. Either you can hold your hands up or give me an
20 estimate in inches, whatever works for you.

21 A. (Witness indicating by holding hands up.)

22 Q. Okay. So I'm going to estimate. Is that to
23 say like eight inches?

24 A. Yeah. It's --

25 MS. TRIBIÉ: I'm going to object as to

1 relevance.

2 THE WITNESS: Yeah. It's something of that
3 nature. It's one that can be held around your neck. I
4 was equipped to record and also be mobile.

5 MR. SCHWARTZ: I -- never mind. Go ahead.

6 BY MS. ROBERTSON:

7 Q. Okay. So the monopod you were carrying, if I
8 am understanding correctly, is it just basically like a
9 stick that you can use to hold the camera on?

10 MS. TRIBIÉ: Objecting as to relevance and
11 outside of the scope of this deposition.

12 THE WITNESS: Yes. The camera affixes onto
13 the top so that the -- it can remain steady as opposed
14 to -- or more steady than you would have if you were
15 just holding it in your hands.

16 BY MS. ROBERTSON:

17 Q. Is it balanced -- or not balanced -- but do you
18 use the ground to help stabilize the monopod?

19 A. Yes.

20 MS. TRIBIÉ: Objecting to relevance, outside
21 of the scope of this deposition.

22 BY MS. ROBERTSON:

23 Q. So it would have to be pretty tall; is that
24 right?

25 A. Uh-huh.

1 MS. TRIBIÉ: Objecting to relevance and
2 outside the scope of this deposition.

3 (Court reporter requesting witness answer
4 with a word.)

5 THE WITNESS: Oh, sorry. The monopod would
6 come to my chin and I am 5'10".

7 BY MS. ROBERTSON:

8 Q. Does the monopod collapse or change length?

9 MS. TRIBIÉ: Objecting as to relevance and
10 outside of the scope of this deposition.

11 THE WITNESS: Yes, it can get shorter.

12 BY MS. ROBERTSON:

13 Q. How short does it get?

14 A. I --

15 MS. TRIBIÉ: Objection. Relevance.

16 BY MS. ROBERTSON:

17 Q. All right. Go ahead. How short does it get?

18 A. I can't remember how short this particular
19 monopod would get. I was principally using it all the
20 way as a way to stabilize the camera or I would shrink
21 it or I would put it into my bag and my bag is about
22 this big (indicating) so maybe, you know, I would have
23 had a bag like this (indicating).

24 Q. Okay.

25 A. And it would be able to fit, if not entirely,

1 at least partially into the bag.

2 Q. Okay. Does that look like a sort of standard
3 messenger bag that appeared to be, I don't know, maybe
4 18 inches wide? Would that sound accurate, from my
5 description of your bag?

6 A. Yes. Uh-huh.

7 Q. All right. And you said a notebook and pen you
8 might have been carrying?

9 A. I was.

10 Q. How large of a notebook?

11 MS. TRIBIE: Objection as to relevance.

12 THE WITNESS: Standard reporter's notebook.

13 BY MS. ROBERTSON:

14 Q. Forgive me. I don't know what that -- you
15 know, I have an idea from like movies and stuff but --

16 A. They are narrow and long. They are designed to
17 be narrow enough to be able to fit comfortably in the
18 back pocket of pants and they are, not a foot long
19 (indicating with hands) but, well, ten inches long.
20 They tend to come in standard sizes so that, you know,
21 that can be looked up. I just don't know off the top
22 of my head.

23 Q. Okay. Were you wearing any press credentials?

24 A. I had a basic lanyard press credential. I
25 think it was from the Society of Professional

1 Journalists.

2 Q. How large is the credential that you were
3 wearing?

4 MS. TRIBIÉ: Objection to relevance and
5 outside of the scope of this deposition.

6 THE WITNESS: I don't remember.

7 BY MS. ROBERTSON:

8 Q. Would you say it is, you know, about the size
9 of your cell phone, for example?

10 MR. SCHWARTZ: Objection --

11 MS. TRIBIÉ: Objection also.

12 THE WITNESS: Again, I don't remember.

13 BY MS. ROBERTSON:

14 Q. Okay. Would you say it is as large as an
15 8-by-10 piece of paper?

16 MR. SCHWARTZ: Objection.

17 MS. TRIBIÉ: Objection.

18 THE WITNESS: A standard press credential at
19 that point would have been larger than a cell phone but
20 not as large as a piece of paper, a standard set of
21 lanyard ID.

22 BY MS. ROBERTSON:

23 Q. Okay. Were you wearing any other clothing?
24 And I guess I should specify the date. On May 26th,
25 were you wearing any clothing that said "press"

1 conspicuously?

2 MR. SCHWARTZ: Objection, outside the scope.

3 BY MS. ROBERTSON:

4 Q. I'm sorry. Did you answer, Mr. Goyette? I
5 didn't hear.

6 A. Yeah, I attempted to dress specifically in a
7 formal way that would differentiate me from protesters.
8 You know, we -- early on, we didn't yet know the degree
9 of mass protests that were occurring or about to occur.
10 But even at that early stage, I tried to -- I wore
11 slacks, I wore a dress shirt and, you know, put effort
12 into making sure that I did not visibly look like a
13 protester.

14 Q. Okay. So you said the first time you
15 encountered law enforcement or saw law enforcement
16 presence was when you arrived at the Third Precinct.
17 Am I remembering that correctly?

18 A. That is the first distinctive memory I have of
19 it.

20 Q. What do you remember law enforcement to be
21 doing at the Third Precinct on May 26th?

22 MS. TRIBIÉ: I'm just going to object as to
23 relevance and outside of the scope.

24 MR. SCHWARTZ: Yeah, I will join in that
25 objection. And, just to be clear, you were shot on the

1 27th. I believe that is the scope of your authority to
2 take this deposition is the assault on the 27th, but go
3 ahead.

4 MS. ROBERTSON: Okay.

5 THE WITNESS: I don't -- I am very wary of
6 describing something from the 27th when I mean to be
7 describing the 26th. So I don't want to misspeak in
8 that regard.

9 BY MS. ROBERTSON:

10 Q. Okay.

11 A. I do remember -- if I remember correctly, there
12 was a line of police by the precinct and there were
13 protesters that had already been there for sometime
14 when the march arrived, which is to say that the
15 protests had already been happening, but I wasn't there
16 until the march arrived there. I remember that it
17 started to rain and that there had already been tear
18 gas fired at protesters at that point. A distinctive
19 memory I have is a kind of call in response that police
20 did amongst themselves at one point that I interpreted
21 as kind of a moral-boosting activity, if you will. I
22 think I described that in a tweet.

23 Q. Okay. And on May 26th when you were reporting
24 outside the Third Precinct or, sorry, when you were
25 present outside the Third Precinct, did you have any

1 interactions with law enforcement personally?

2 MR. SCHWARTZ: Objection. Outside the
3 scope.

4 MS. TRIBIÉ: Objection. Relevance.

5 THE WITNESS: I don't remember any direct
6 interactions now.

7 BY MS. ROBERTSON:

8 Q. Okay. So I'm trying to think of the best way
9 to get the information that I am looking for. So
10 during the time that you were covering the response to
11 Mr. Floyd's murder, do you believe that law enforcement
12 officers singled you out because you were a journalist?

13 MS. TRIBIÉ: I'm just going to object as
14 outside of the scope on what's been permitted for this
15 deposition.

16 THE WITNESS: Yeah, I think your -- if
17 you're talking about the 27th when I was shot, in that
18 scenario, which we haven't gotten to in the course of
19 this discussion, but in that scenario, what I saw was
20 officers on the roof who were slowly and intentionally
21 targeting individuals with less than lethal projectiles
22 and, as far as I could tell, independently, whether
23 they were engaged in violent or illegal activity, those
24 officers did not seem panicked or rushed or under
25 threat. And I believe that the officer who shot me did

1 so knowing that I was press.

2 BY MS. ROBERTSON:

3 Q. Okay. And I want to get into all of that and
4 talk about that. But I just want to make sure that I'm
5 not missing any other occasions besides the ones, you
6 know, that you have just mentioned on the 27th where
7 you felt that you were singled out by law enforcement
8 because you were a journalist.

9 A. Well, there was the --

10 MR. SCHWARTZ: Objection to scope and
11 relevance.

12 MS. TRIBIÉ: Same.

13 MR. SCHWARTZ: But go ahead.

14 THE WITNESS: I think I was -- the thing
15 that immediately comes to mind is that after that,
16 there was a curfew protest or a protest happening
17 around the time of curfew. I was, you know, already
18 had been injured, I was injured and operating with a
19 bandage on my eye and officers were approaching a line
20 of protesters. I was, as always, off to the side and
21 as they -- but as they passed, they pointed their --
22 and I started to say "press" and they pointed their
23 guns at me. And I started to yell "press" again
24 because I was afraid of getting shot again. I was with
25 another journalist who was doing the same thing. And

1 then I remember one of them telling me we need to shut
2 up. And then after that, after that line had
3 dissipated, an officer came in a -- rolled up to the
4 journalist I was with and told me directly that he
5 wished he -- that he wished he could have hurt me, that
6 he wished he could have pegged me. So that was another
7 interaction which I felt very directly targeted.

8 BY MS. ROBERTSON:

9 Q. Okay. And I want to talk about that, too. I
10 just want to make sure I know the universe of what we
11 need to talk about. Were there any other incidents
12 where you felt you were singled out as a journalist
13 during that time period?

14 A. No.

15 Q. All right. So now I do want to talk about
16 May 27th. When did you start -- or I should say, on
17 the 27th, when were you first in the presence of law
18 enforcement?

19 A. I started reporting that day in the vicinity of
20 38th and Chicago. Most of my interactions in that area
21 did not directly concern law enforcement, although
22 there was, I think, a light presence. And, again, when
23 moving out of 38th and Chicago, I heard helicopters and
24 then as I was driving -- yeah, I specifically heard
25 helicopters and thought I should stop by the Third

1 Precinct to see what was happening there.

2 Q. Do you remember what time that was?

3 A. It would have been sometime between 5 and
4 as in the late evening or early evening. Sorry. Not
5 late.

6 Q. And how did you get from 38th and Chicago to
7 the Third Precinct?

8 A. I drove.

9 Q. Were you with anyone else?

10 A. No. I was in communication with Slack, with
11 editors, the Washington Post that were in Washington,
12 DC and with reporters and photographers who were on the
13 ground.

14 Q. How were you in communication with them?

15 A. Slack.

16 Q. Oh, I'm sorry. Slack. Okay.

17 A. Yeah.

18 Q. So you were in direct communication with other
19 reporters who were also on the ground?

20 MS. TRIBIÉ: I'm going to object as to scope
21 and relevance.

22 THE WITNESS: Yeah, it's a Slack channel, so
23 you simultaneously are communicating with people that
24 are on the ground and with people that are not -- that
25 are in DC.

1 BY MS. ROBERTSON:

2 Q. Okay. Okay. When you got to the Third
3 Precinct, or at least in the vicinity of the Third
4 Precinct, I'm just trying to think, did you choose a
5 specific location to sort of stop and see what was
6 going on or were you more mobile?

7 A. I started -- I think I parked at the Target and
8 first tried to assess things from there as I
9 approached.

10 Q. Okay. And what did you observe as you were
11 assessing things from the Target parking lot?

12 A. A number of things. I observed that there were
13 groups of protesters on two sides of the precinct, the
14 side that I was at and, well, the side by the
15 intersection. I observed that there was a line of
16 police officers, I think, facing the group in the
17 intersection by the precinct. I observed that there
18 were officers on the roof who appeared to be credibly
19 firing down, and I also observed, you know, individuals
20 throwing debris or water bottles and things harder than
21 water bottles at police.

22 Q. Okay. So when you say there was a group of
23 protesters on two sides, can you make it a little more
24 clear for me what sides you are talking about?

25 A. There is the side of the Target and then there

1 is -- well, there is an intersection, right, can you
2 see this like a T (indicating with his hands)? So you
3 have the base of the T, here is the Target right here,
4 there is some people, and then on the other side you
5 have a larger group here. I know for the court
6 reporter's sake, how do I describe this. It is like a
7 T, it's like a square, and I'm indicating that there is
8 two sides, Target on one side and the other side, I
9 guess this would be -- I can't remember the
10 intersection right now -- but this is the prominent
11 intersection right here. Over here would be the liquor
12 store, down that way would be Moon Palace Books, but,
13 yeah, two sides.

14 Q. Would it help you to look at a map of the area?

15 A. Yeah, sure, that would. I can probably
16 describe it better.

17 Q. Let me see what I can do here. Okay. Now I'm
18 sharing my screen, which is showing a Google map of the
19 area of Lake and Minnehaha.

20 A. Yeah. So I'm describing the, you know, one
21 group that's -- that's on Lake, one group that's by the
22 parking area, and the other --

23 Q. Parking area of the Target? I'm sorry to
24 interrupt you.

25 A. Yeah, the parking area of the Target is one

1 line and then there is another group gathered at this
2 intersection of Minnehaha and Lake.

3 Q. Okay. And they were in the intersection
4 itself?

5 A. Yeah.

6 Q. Okay. I will stop the sharing for a minute.
7 And so where did you go?

8 A. At first, I just stood at the -- near the
9 parking itself. Near that -- near the -- not -- it was
10 just not very far from my car, but I observed there,
11 documented there, sent an initial feed in from there.
12 Then I saw a young man sort of spread out on the ground
13 in front of me. I saw him a moment after he had been
14 injured. He was bleeding from the head. And people
15 were trying to help him and I began to focus on that,
16 which was just down the green slope from the parking
17 onto the street itself. Actually, no, it may not have
18 gone to the street itself, but it was in that area
19 between the Target parking and the street itself, the
20 street in front of the Third Precinct.

21 (Exhibit 1 marked for identification.)

22 Q. All right. I'm going to show you what I will
23 ask to be marked as Exhibit 1. And I'm sorry. You
24 won't be able to control it, so you can just ask me to
25 kind of scroll down. It's just a few pages long. So

1 hold on one second. All right. I'm going to scroll
2 down. And just let me know once you have had a chance
3 to see what's on the screen.

4 A. Karen wants to be able to see what this is.

5 MS. SCHANFIELD: Do you mind if I just look
6 over his shoulder since the screen sharing function --

7 MS. ROBERTSON: No, not at all.

8 MR. SCHWARTZ: Heather, do you have a Bates
9 Number for this or did you pull this from another
10 source?

11 MS. ROBERTSON: No, it's something that I
12 pulled.

13 MR. SCHWARTZ: Okay.

14 MS. TRIBIÉ: I'm just going to object to
15 this now that I have seen it as outside of the scope of
16 the permitted deposition and to relevance. And, I
17 mean, it is also hard for us to read it because this is
18 being scrolled very quickly.

19 MS. ROBERTSON: Okay.

20 BY MS. ROBERTSON:

21 Q. Have you had a chance to look at those,
22 Mr. Goyette?

23 A. Yeah.

24 THE WITNESS: I just need to take a break
25 here if that's okay just to get water and to use the

1 rest room.

2 MS. ROBERTSON: Okay. That's fine.

3 MS. TRIBIÉ: How long of a break are we
4 taking?

5 MS. ROBERTSON: Let's take 5 minutes and
6 come back at 9:20. And I am going to e-mail everybody
7 a copy of this PDF document just so you can see it
8 better.

9 MS. TRIBIÉ: Yeah, that would be helpful.

10 MS. ROBERTSON: So we can go off the record
11 until 9:20 then.

12 (Break taken from 9:15 a.m. to 9:24 a.m.)

13 BY MS. ROBERTSON:

14 Q. Okay. Mr. Goyette, so I'm showing you -- and I
15 went through that document. Do you recognize what was
16 in there?

17 A. Yes.

18 Q. What are they?

19 A. They are tweets.

20 Q. Are they your tweets?

21 A. Indeed, they are.

22 Q. All right. And then I'm going to ask you about
23 this one that is on page 6. I'm more interested in the
24 picture than the verbiage. This photograph, did you
25 take that?

1 A. I did.

2 Q. And does that show the young man that you were
3 talking about?

4 A. It does.

5 Q. Okay. And just to try to get an idea of where
6 this was, I think you were describing it as sort of a
7 green slope by the parking lot. How close was that to
8 the intersection of Minnehaha and Lake, if that makes
9 sense?

10 A. Can you put up the map again?

11 Q. Sure. I'm sorry, this is an image of the area.
12 Here is the map again.

13 A. Oh, I guess you can go back. It would -- it
14 was on Lake closer to the parking area than it was to
15 the intersection, like a little bit further -- this
16 would be a little bit east, like a tick east of the
17 intersection and north.

18 Q. Okay. East and north. But it was still on the
19 side with the Target?

20 A. Yeah, it was closer to the corner though as I
21 recall.

22 Q. Okay. Close to the corner on this sort of
23 green area?

24 A. Yeah.

25 Q. Okay. And so how long were you there with him

1 or with the people around him?

2 A. I would have to actually -- I don't want to say
3 for sure. I mean, I think you can measure that by
4 looking at the live streams present and calculating the
5 amount of minutes that he was on the ground, but I was
6 there for the entire duration of him being there
7 because I was there -- when I initially saw him, there
8 wasn't a large group around him. And I was -- so I was
9 there from the beginning until he was moved.

10 Q. Okay. Maybe it will be easier if we just sort
11 of go through the tweets that you posted. So I'm going
12 to share my screen again. Okay. So this first tweet
13 that starts out, "A protester, a young man went down
14 hard after getting hit in the side of the head." The
15 time stamp at the bottom of this is 5:59 p.m. Does
16 that appear correct?

17 A. It does. But there is an important caveat
18 here, which is that when there are large groups of
19 people at protests, all using mobile phones, there is
20 sometimes a delay between when you hit send and when it
21 posts.

22 Q. Okay.

23 A. And I can't remember what the delay was at that
24 time.

25 Q. Okay. Okay. And then it looks like there is a

1 post at 6:01 p.m. But again, I understand your caveat
2 there. That "His eyes are closed. I'm not posting
3 images out of respect."

4 A. I was close to him at the time. And I felt
5 weird about sticking a phone in someone's face while a
6 paramedic is trying to tend to them.

7 Q. And then, "He seems to be hurt badly.
8 Protesters are carrying to safety." That was posted a
9 minute later.

10 A. It strikes me as likely that these tweets were,
11 how do I put it, pending, and then all posted at once
12 as opposed to this being an actual depiction of the
13 time that occurred between the individual events. A
14 better way to calculate the time would be to look at
15 the, at least one live stream that was happening. That
16 gives you a better sense of the passage of time because
17 while it is not sped up or slowed down in the way that
18 -- that this could be.

19 Q. Do you remember what the live stream was? Was
20 that your live stream?

21 A. No. One of the prominent ones was -- I'm going
22 to mispronounce it. Sippyzooms? It's a hip-hop
23 producer, local, that was live streaming. Someone
24 replied in the thread to it at one point.

25 Q. Okay.

1 A. I interviewed him later for a Washington Post
2 piece about another issue, but, yeah, there was one
3 live stream there.

4 Q. So that's Mr. -- not Mr. -- but Sippyzoom or
5 something to that effect?

6 A. Yeah --

7 Q. And it is -- I apologize. It is referenced in
8 the thread of your tweets?

9 A. Yeah, someone else referenced it and said like,
10 hey, is this the incident. And that would give you a
11 better sense of passage of time than these tweets
12 would.

13 Q. Understood. But this one says, "Protesters are
14 carrying him to safety." Do you remember where they
15 carried him?

16 A. Yeah, they -- Well, I think I indicated that.

17 Q. You can scroll down.

18 A. Yeah. There was a parking lot area in front of
19 the Wendy's. And where we were initially, there was a
20 lot of anxiety that, you know, it didn't seem -- we
21 wanted to move him out of the potential of getting hit
22 -- of getting shot again.

23 Q. Okay. All right. So I'm going to switch over
24 to the map again. The intersection of Minnehaha and
25 Lake. You said, I believe, that he was on this

1 northeast corner of the intersection on that sort of
2 grassy knoll. There is the Wendy's that's indicated
3 across Minnehaha. Does that appear accurate to your
4 recollection of the layout at the time?

5 A. Yes.

6 Q. Okay. And then there is also an Auto Zone
7 store on this side of the corner of -- sorry, that's
8 actually the northeast corner of the quadrant --

9 A. Yeah, I misspoke, sorry. I didn't --

10 Q. I understand. Cardinal directions are not my
11 forte.

12 A. Yeah.

13 Q. Okay. So the Target was on the northwest
14 corner. Is that right?

15 A. Yeah, the Target appears to be on the northwest
16 corner.

17 Q. So I guess my question for you is, when you
18 said you were at the parking lot by the Wendy's, were
19 you behind or was he behind this Auto Zone store?

20 A. Yes.

21 Q. Okay. And you said you were close to the group
22 that was with him. Is that accurate?

23 A. Yes.

24 Q. All right. Back to the tweets. Your next
25 tweet talked about that there were concussion grenades

1 going off and the crowd scattering periodically. And
2 that was posted a few minutes later.

3 A. Yes.

4 Q. Does that seem, at least the gap in-between,
5 seem more accurate than the previous tweets? That was
6 a five-minute gap.

7 A. Yeah, it does, but I don't want to be, you
8 know, I don't want to be relied on for an accurate
9 sense of exactly how many minutes passed considering
10 the way, you know, considering the heightened nature of
11 that scene and the time that has passed.

12 Q. Okay. From where you were, near this injured
13 young man, what were you able to see of what was
14 happening in front of the precinct?

15 A. The -- I was able to see that the protesters
16 would start a chant, get energy going in terms of the
17 strength of the chant, the amount of people
18 participating, then at some point, there would be a
19 police response with concussion grenades and tear gas
20 and they would sort of scatter. And then they would
21 slowly build up again. And that seemed to be something
22 of a pattern, yeah, that I could -- yeah.

23 Q. Okay. I appreciate that description. But I'm
24 also wondering like visibly, what were you able to see?
25 What was your line of site from where you were

1 standing?

2 A. I could see to the roof of the precinct, and I
3 could see the protesters in the intersection. Yes.
4 Now I'm describing the initial -- there is two areas.
5 In the initial area, where, you know, there was -- it
6 was more in the middle of everything. I could see the
7 officers. At one point I specifically tried to sort of
8 make eye contact, indicate that I was a journalist,
9 because I realized that we were close to the roof.
10 There was a group of people gathering and that would
11 get their attention. So I remember sort of pointing to
12 my notebook and looking at an officer trying to convey
13 who I was, and then the second location was slightly
14 removed and it was when I started to move away from the
15 parking lot and the Wendy's that I was hit -- or how do
16 I put it -- I was shot when I was -- after he had been
17 taken away and I started to edge back towards the
18 intersection, but I was taking a moment before
19 re-entering the -- that area when I was shot.

20 Q. Okay. We are making our way toward that event.

21 A. I guess what my line of sight was, and there is
22 different moments, so it's hard to answer, yeah. Okay.

23 Q. And just so I'm a hundred percent clear, when
24 you say the first area and you describe the initial
25 area and you described your line of sight, that was on

1 that grassy knoll, if we --

2 A. Yeah. It's important to note that I -- I was
3 trying to keep my wits about me, trying to keep my
4 situational awareness, that I wouldn't stand in one
5 place with my eyes fixed in one place.

6 Q. Okay.

7 A. I would, you know, go from one side or the
8 other of the group. I would look beyond the group.
9 Again, trying to both focus on the efforts to treat
10 this young man who seemed at the time to be in serious
11 condition while also keeping awareness of what was
12 happening in the larger area.

13 Q. Okay. And so you described the second location
14 as this being somewhat removed and that's when you were
15 in that Wendy's parking lot?

16 A. Correct.

17 Q. Okay. And so I guess my question is, what were
18 you able to see from that location?

19 A. Initially, I was focused on him, but as he was
20 taken away -- can you bring up the map again?

21 Q. Sure. All right.

22 A. So if we are in the Wendy's parking lot, you
23 know, I remember the car coming and taking him and then
24 me, I moved east slightly beyond the Auto Zone, and
25 from there I could see the intersection of Lake and

1 Minnehaha, from one side. I couldn't -- I was -- you
2 know, it should be clear that I am seeing the -- well,
3 yeah, I'm seeing the side of the intersection, if
4 you're -- yeah, hopefully that's understandable.

5 Q. All right. So you're seeing it, you are on the
6 east side of the Auto Zone store. Is that accurate?

7 A. Um, yes, yeah.

8 Q. Okay. And so from wherever you were standing,
9 you were able to see around the Auto Zone store?

10 A. Well, because what I remember is that -- I
11 remember looking up from, you know, as I turned my
12 attention away from him being taken away, I saw police
13 -- a larger presence of police arriving and people on
14 horseback.

15 Q. Okay. Do you remember where you were when you
16 were seeing all of this?

17 A. Where I just described.

18 Q. Okay. I guess my question is, were you still
19 kind of back by the Wendy's parking lot or were you
20 closer, coming around the outside of the Auto Zone
21 store? Does that make sense?

22 A. Yeah, if I could point toward the -- was that
23 the west side?

24 Q. This is the east side. The east side is the
25 right hand side of the screen.

1 A. Oh okay. So I would have been west. I would
2 have been west of the Auto Zone headed -- okay. I need
3 to mark this for myself. West is over here on my left.
4 Okay. I would have been moving west like a little bit
5 to see -- to see the gathering of police on Minnehaha
6 and Lake.

7 Q. All right. So you were coming towards the west
8 side of the Auto Zone store, so toward the left hand
9 side of the screen toward Minnehaha?

10 A. Yeah, I didn't actually reach Minnehaha though.

11 Q. Okay.

12 A. And this is not an exact approximation.

13 Q. That's all right. I'm just trying to get as
14 good of an idea as I can of where you were. How long
15 were you there before you got struck in the face?

16 A. I don't want to give inaccurate time stamps,
17 but as I remember it, he was -- the young man who, as
18 it turns out was not a protester but a YouTuber I would
19 later learn, was treated there for several minutes.
20 How long that was, I can't say right now in front of
21 you today. Like, I'm not sure. It was less than
22 twenty minutes, more than five. And, yeah, I guess
23 that answers your question.

24 Q. Okay. And you saw him leave or taken in a car,
25 taken away?

1 A. I saw people carefully -- there was a volunteer
2 -- there was a fire fighter in the group who also works
3 as a first responder. She was sort of taking on a
4 leadership role because of her expertise and she helped
5 them carefully -- there was fear of head injury -- and
6 she coordinated people lifting him up and putting him
7 in the back seat of her car.

8 Q. Okay.

9 A. An SUV.

10 Q. Okay. Did you see the car leave?

11 A. I did.

12 Q. All right. Do you remember which way it went?

13 A. I think it would have gone north on Minnehaha,
14 but all I know for sure is I saw it leave. You know, I
15 didn't track it, if that makes sense.

16 Q. Yes, that makes sense. And then I thought you
17 had said before that you were sort of gathering
18 yourself. Did you use those words?

19 A. Yes.

20 Q. How long were you doing that after the car
21 left?

22 A. A few minutes. I can't say for sure.

23 Q. And were you still on the western side of the
24 Auto Zone?

25 A. I would have been in that general vicinity.

1 Q. Okay. So that's the side closer to Minnehaha?

2 A. Yes.

3 Q. I believe you had also mentioned you saw horses
4 come into the intersection?

5 A. Yeah. I remember seeing like a -- you know,
6 police gathering at that intersection in riot gear.
7 You know, I tweeted that there were horses, so I must
8 have seen them. I have a blurry memory of that part of
9 it.

10 Q. Okay. And you tweeted that, you say you
11 tweeted that before you were struck in the face?

12 A. Yes.

13 Q. Did you move your position at all after you
14 posted that tweet and before you got hit in the face?

15 MR. SCHWARTZ: I'm going to object to your
16 use of the term "hit in the face," but go ahead. He
17 was shot.

18 THE WITNESS: I can't say for sure if I
19 moved my position. I don't recall.

20 BY MS. ROBERTSON:

21 Q. Okay. All right. So why don't you describe
22 for me what happened next?

23 A. What I remember is that I had taken a moment,
24 you know, the -- seeing the efforts to help that young
25 man had -- it was very tense and sort of a draining

1 situation. As I said in the tweets, I saw him
2 convulsing, I thought that his life was in danger from,
3 you know, getting shot in the head from the officers on
4 the roof. And I wanted to take a moment to gather
5 myself and to let my daughter know -- let my editors
6 and my daughter know that I was okay and that I was
7 going to move on to the next -- to sort of another
8 thing they needed me to do.

9 Q. Okay.

10 A. Or I wanted to touch base with them.

11 Q. All right. Were you able to do so?

12 A. I know that I -- I can't recall to the degree
13 with which I touched base with the editors or not. I
14 know that was on my mind at that juncture. The first
15 thing I did was respond to my daughter. She was
16 worried. I checked to make sure I wasn't around anyone
17 and that I was off to the side, because I'm continually
18 checking myself. You know, am I off to the side, you
19 know, am I not in the direct line between protesters
20 and police. The one moment where I got close to that
21 was when the person who was being treated was closer to
22 the precinct itself and I couldn't move because he was
23 being treated there, is that's when I tried to signal
24 to the officers to make sure they knew who I was. So
25 I'm constantly checking myself to make sure I'm not in

1 a direct line. And so I messaged her and everything
2 goes black.

3 Q. And so what is the next thing you remember
4 after everything went black?

5 A. I remember I'm on the -- it's sort of a
6 realization, if you will, that I'm screaming, and that
7 I'm on the ground. And there is people trying to talk
8 to me and there is a searing pain in my eye. It almost
9 happened in that order in terms of -- it wasn't like I
10 -- it wasn't almost -- it was a realization that these
11 things were happening, if that makes sense.

12 Q. Okay. All right. And then what happened?

13 A. I was in a lot of pain. I was scared because I
14 couldn't see. And there were people trying to help me.
15 They were saying, hey, we're going to -- you know, your
16 eye is hit. We're going to try to apply a bandage.
17 And I remember with my left eye, so that slowly
18 beginning to open that and realizing that I could see
19 something, and then there was a brief exchange of those
20 people where they were trying to calm me down and, you
21 know, saying that they were trying to help, and I can't
22 recall the exact words. But not long a sort of tear
23 gas landed right next to the group.

24 Q. Okay. Do you remember what direction that tear
25 gas came from?

1 A. You know, I was on the ground, but my
2 perception would be that it would come from the
3 direction of the Third Precinct, which would also be
4 the direction from which I was hit or shot. There were
5 officers firing continuously from the roof of the Third
6 Precinct at people below.

7 And in past incidences in covering protests, you
8 could more easily discern why officers were firing at a
9 given person or given location. Typically this would
10 occur when someone would throw a rock or bottle or
11 water bottle and the police would retaliate in that
12 direction. There was some of that, but it also seemed
13 to be a steady fire that was harder to determine what
14 the pattern was.

15 So that was the general situation. You had, you
16 know, I -- I was focused on one man being hurt very
17 seriously, but other people were also being hit in the
18 vicinity, they were hit or shot by police firing into
19 the crowd.

20 So everything was coming from that direction and
21 that's what -- like I say, with a fair degree of
22 confidence, even though I was on the ground, that the
23 tear gas also came from that direction.

24 Q. Okay. And by "that direction," there is
25 several things that you just said that I want to talk

1 more about. But just to clarify, "from that
2 direction," do you mean the precinct building itself or
3 from the officers who you said were in the
4 intersection?

5 A. Most of the fire itself was coming from the
6 roof. That's not to say that officers in the
7 intersection who had just recently -- who had arrived
8 were not also firing. But the most steady and
9 consistent fire that I observed was from the roof.

10 Q. Okay. Well, I'm going to go back and talk a
11 little bit more, if we can, about when you were hit and
12 you said everything went black.

13 MR. SCHWARTZ: Objection. Heather, you are
14 intentionally mischaracterizing his testimony, which is
15 that he was shot.

16 MS. ROBERTSON: Mr. Schwartz, I understand
17 your position, but I don't think it is a proper
18 objection for you to mince my words between shot and
19 hit.

20 MR. SCHWARTZ: Well, there is a big
21 difference between shot and hit and it's intentional
22 that you are not adopting the testimony of this
23 witness, which is that he was shot.

24 MS. ROBERTSON: Mr. Schwartz, I'm going to
25 keep using the word "hit". I would thank you to stop

1 interrupting me.

2 MR. SCHWARTZ: Then I would like you to
3 agree to a standing objection to your use of the word
4 "hit" which is a mischaracterization of this witness's
5 testimony and then I will stop objecting.

6 MS. ROBERTSON: All right. I will recognize
7 your standing objection. Thank you.

8 MR. SCHWARTZ: Thank you.

9 BY MS. ROBERTSON:

10 Q. Okay. So, Mr. Goyette, I want to talk about to
11 the best that you can recall when you were injured,
12 where exactly were you standing?

13 A. I was standing in that general vicinity that I
14 described. I can't give you an exact X on the map. I
15 know that I was in a position where I could see the
16 police officers arriving. So that means I had a line
17 of sight to the intersection.

18 Q. Okay. Do you remember if there were any kind
19 of landmarks that you were standing near? Street
20 signs, bus shelters, does anything --

21 A. I have told you as well as I can recall.

22 Q. All right. Do you remember if you were
23 standing on the sidewalk?

24 A. I was not standing on the sidewalk.

25 Q. Were you closer to the street or closer to the

1 buildings, if that makes sense?

2 A. I know that I fell on concrete and, to my
3 recollection, I was in a parking lot.

4 Q. Okay. And I believe you had mentioned that you
5 had just responded to a text from your daughter. And I
6 will stop the screen share for now. Were you looking
7 down at your phone when this happened?

8 A. I was eager, my daughter had been texting me
9 for several minutes or, you know, throughout this time.
10 I'm not -- somehow she knew -- somehow -- I remember
11 that she was worried. I can't remember exactly why she
12 was worried, but I know that she was worried and it was
13 on my mind that I wanted to reply to her and let her
14 know that I was coming home like I said. I think I had
15 promised her that I would be home at a certain time or
16 something like that. And, as such, I made an effort to
17 make sure like, well, it was, you know, as much as I
18 could, to sort of make sure that I was in a position
19 not in a crowd of people and I thought, therefore, out
20 of the line of fire when I looked down to reply to her,
21 as I had been wanting to do for sometime, but was busy
22 and also wanted to make sure that I was in a safer, I
23 thought, situation before I did that.

24 Q. Okay. So you -- am I correct in understanding
25 you to be saying that you believe you were looking at

1 your phone when you were struck?

2 A. Yes.

3 Q. Okay.

4 A. But the context is important.

5 Q. All right. And thank you for giving me that.
6 And I think you had also said that you believe that it
7 came from the direction of the precinct building? I
8 might be misremembering there.

9 A. Yes. Yeah, in a general sense, yes.

10 Q. Why do you believe that?

11 A. Because it hit me. Because I was shot in the
12 face. Right? So, behind me would have been buildings
13 and protesters. In front of me were some other
14 protesters, but they were facing the precinct. They
15 were facing the police. The only people that were
16 facing the direction that -- I would have been facing
17 the police that were moved and off to the side. There
18 was no other source of projectiles in that direction
19 from -- I'm going to get my cardinal directions
20 wrong -- but from that direction into the direction
21 that I was, the only source of projectiles was the
22 officers primarily on the roof, but I can't discount
23 that possibly others were also firing. What I
24 witnessed most frequently and steadily was officers on
25 the roof.

1 Q. Would it be fair to say that you did not see
2 anyone taking aim at you?

3 A. I saw officers on the roof slowly and
4 deliberately aiming throughout that time. That is why
5 I, when I was closer, tried to signal to them -- and
6 basically, you know, when that kid is getting treated,
7 I feel a little bit locked in place. And I don't want
8 to be locked in place in these scenarios. So I tried
9 to signal to the officers on the roof that I was a
10 journalist. The -- What was your question again?
11 Sorry.

12 Q. That's all right. Did you see an officer
13 aiming at you?

14 A. So, yeah. I wouldn't say the officer was
15 aiming at me on the roof. He was aiming in a general
16 -- like he was looking, scanning the crowd and I had
17 like eye contact with him. The -- and, you know, it's
18 accurate to say I did not see the person who shot me.
19 I did not see the officer who shot me, because I did
20 look down.

21 Q. Okay. All right. And I think you said that
22 behind you were buildings and protesters. Is that
23 accurate?

24 A. If you bring up the map.

25 Q. Sure.

1 A. So, if you look behind me, you know, there is a
2 parking lot and off to the -- and I guess an Aldi over
3 there, there was no big gathering of people behind me.
4 But there was, like, a loose stream of people coming
5 from Minnehaha to the intersection, but there was no
6 protest behind me. There was no -- there was no -- the
7 gathering of people was at the intersection itself and
8 in the street and in Minnehaha. I was removed from the
9 main group. Now, I guess what I'm getting at is that,
10 yeah, that -- the main group of protesters was there.

11 Q. Was there where? Sorry.

12 A. In the intersection and coming from Minnehaha
13 to the intersection.

14 Q. Okay. Big group coming from Minnehaha toward
15 the intersection?

16 A. A steady stream. Again --

17 Q. Steady stream.

18 A. Like there was -- there were people adding to
19 the protesters from there and that was where the line
20 of police and protesters were. There was a line of
21 police and protesters on Minnehaha and Lake and on Lake
22 Street itself. I was removed from that line.

23 Q. Okay. Were you able to see what the protesters
24 were doing around this time?

25 A. Yeah, at exactly that time?

1 Q. Well, at this time when you were kind of -- you
2 said, you described as taking a minute to sort of
3 recover from what you had just witnessed. I know you
4 were trying to communicate with your editor and with
5 your daughter, but I'm wondering if at the same time
6 you were able to observe what the protesters were doing
7 at that time?

8 A. I mean, I don't remember anything specific
9 other than to say that I saw a group of officers
10 arriving at the intersection. I have, you know, a
11 vague recollection they were on horseback. But what
12 was more concrete for me was that there was a group of
13 officers arriving. There was chanting. And part of
14 what's feeding into the dynamic is that officers had
15 been firing pretty steadily into the crowd, so there
16 was a lot of -- you know, that created a scenario in
17 which people were angry, people were hurt, but, yeah.
18 That's my sense of the scene.

19 Q. Okay. Now, I want to ask you about something
20 you had said earlier. I think you had said something
21 to the effect of that in past incidences of protest,
22 you could discern why officers were firing at certain
23 individuals. Are there any specific past instances of
24 protest are that you were referring to that you are
25 basing that on?

1 A. In a broad sense --

2 MR. SCHWARTZ: Objection as to scope.

3 MS. TRIBIÉ: Yeah, same objection on that
4 basis.

5 BY MS. ROBERTSON:

6 Q. All right. Go ahead.

7 A. You know, just speaking in a broad sense, I had
8 covered extensively the protests and police response
9 around Philandro Castile and around Justine Damond
10 consistently enough to have developed an idea of
11 patterns. So that's what I'm referring to.

12 Q. All right.

13 A. And other cases as well. Those are the big
14 ones, but there are other cases. And -- Well, go on.

15 Q. Go ahead. What were you going to say?

16 A. No, um, there were other instances, too, where
17 communication would be clearer from police to
18 protesters than it was in this case.

19 Q. Now, I think you said you did observe
20 protesters throwing items at the police?

21 A. Yes.

22 Q. Is that accurate?

23 MS. TRIBIÉ: I'm just going to object that
24 that's vague as to the time period of when Mr. Goyette
25 observed this and outside of the scope.

1 BY MS. ROBERTSON:

2 Q. Mr. Goyette, counsel does make a good point.
3 When you were observing protests outside of the Third
4 Precinct, with what frequency were you seeing
5 protesters throw items at the police?

6 A. It is hard for me to say that definitively now.
7 What I can say is that it seemed scattered. And, how
8 do I put it, like individuals would do it around the
9 margins as opposed to it being a big organized group
10 activity that everyone was participating in. But in
11 those scenarios, I'm trying to be independent. I'm
12 trying to observe what both sides are doing and I did
13 observe that.

14 Q. Uh-huh. It --

15 A. The issue that I am raising though is that, you
16 know, in past instances you would see someone throw
17 something and you would see police direct their fire in
18 that direction. What was happening in that moment was
19 well beyond that in terms of the police firing into the
20 crowd.

21 Q. Okay. But, and I am just wondering, in this
22 instance did you see the police -- how did you see the
23 police respond to the individuals who were throwing
24 things at them?

25 MS. TRIBIÉ: I'm just also going to object

1 as to the timeframe again. I think that is not very
2 clear here and it's outside of the scope.

3 THE WITNESS: You know, and my recollection
4 is, honestly, you remember seeing two groups of people
5 throw stuff at police, there being no response to them,
6 but then police firing at a person holding a camera.
7 And I remember filming it. There was an older man
8 holding a -- using his phone as a camera. He was just
9 kind of formally and stun grenades went off by his feet
10 and then he sort of raised his hands in the air. I
11 remember that very distinctly. So, again, it was hard
12 to determine what the logic or reason at times was, but
13 I also remember observing the officers on the roof and
14 being struck by the degree to which they seemed calm
15 and deliberate about what they were doing.

16 BY MS. ROBERTSON:

17 Q. And what were they doing?

18 A. Firing.

19 Q. At what?

20 A. People.

21 Q. And so your impression was that the people that
22 were being fired at were not doing anything illegal?

23 A. That's not exactly what I said. What I am
24 saying is that the people that were being fired at were
25 both, in some instances, would have been people that

1 had thrown something or done something illegal, but in
2 other instances, clearly not. And that the pattern
3 that I had observed while covering past protests was
4 the patterns that I had observed covering past protests
5 or at least the police practice I had observed covering
6 past protests was not observed.

7 Q. Okay.

8 A. But, yes, people -- yes the police shot people
9 who were not doing anything illegal.

10 Q. So we had talked earlier about the equipment
11 that you were carrying, the monopod, the camera,
12 notebook, audio recorder. Were you still carrying all
13 of that on May 27th?

14 A. Yes.

15 Q. And I'm showing you this tweet that's labeled
16 6:27 p.m. on May 27th. Is that a picture you took of
17 yourself?

18 A. It is.

19 Q. And then is that accurate as to what you were
20 wearing?

21 A. Yeah, the bandana that was on my neck, that was
22 in the neck area, that came undone right there.

23 Q. And you were wearing a black face mask?

24 A. Yeah, I had a black mask on, a dress shirt, and
25 slacks.

1 Q. Did you have a bag with you to carry your
2 equipment?

3 A. I can't remember which bag it would have been,
4 but I do have a habit of having a bag with me.

5 Q. And in this photograph, can we see your press
6 credentials?

7 A. No.

8 Q. Do you remember what happened to them?

9 A. No.

10 Q. Were you wearing them at the time that you were
11 hit?

12 A. It's -- I can't say for sure that I had the
13 lanyard. The way the lanyard was positioned, at that
14 distance, the key things that marked me as a journalist
15 is the equipment I have, the way that I am dressed and
16 that I am not participating in the protest. I don't
17 think there was any doubt to anyone who looked at me
18 that I was a journalist. And when I stepped aside to
19 text my daughter, I was not in a crowd of people.

20 Q. Uh-huh. Where was your camera?

21 A. I wouldn't -- I just am hurt. I am not going
22 to hold a camera in that moment.

23 Q. Okay. So it wasn't out at that moment or --

24 MR. SCHWARTZ: Are you talking about the
25 moment after he was shot?

1 A. No, I'm talking about the moment he was shot,
2 to use your word.

3 MR. SCHWARTZ: Let's make sure we're being
4 clear about that.

5 THE WITNESS: Yeah, what I can tell you most
6 clearly is what was in my mind, which was that I wanted
7 to take a step away from the front line, if you will,
8 for lack of a better term, between protesters and
9 police and communicate to my daughter that I was okay.
10 Now, where I would have put my camera in that moment,
11 I'm not sure. I know that what I was finding most
12 useful in that moment was my phone and my notebook. So
13 those were the two tools that I sort of defaulted to
14 using. Now -- yeah.

15 BY MS. ROBERTSON:

16 Q. Okay.

17 A. I made a decision that it was too fluid of
18 situation to use the big camera, but I still had it.
19 And the same goes for the recorder and the microphone
20 that would go with the camera, but I still had all of
21 that material.

22 Q. At that time when you were struck, were you
23 carrying the camera around your neck?

24 A. I think it would have been -- again, I can't
25 say for sure. It could have been in my bag, it could

1 have been around my shoulder. I know that I had it
2 with me.

3 Q. Okay. And you don't -- and so just making sure
4 I'm understanding you correctly, you're not sure if it
5 was in your bag or over your shoulder?

6 A. I don't recall.

7 Q. Okay. And was the camera attached to the
8 monopod?

9 A. I don't specifically recall at what point I
10 attached it or I detached it. At that time, because of
11 the fluidness of the situation, I decided to focus on
12 using my phone and my notebook to take what notes I
13 could, yeah.

14 Q. Would it make sense that if you're using your
15 phone, you are not holding your notebook at the same
16 time?

17 MR. SCHWARTZ: Objection.

18 THE WITNESS: Actually, no.

19 BY MS. ROBERTSON:

20 Q. Explain. Sorry. Just explain to me how you
21 hold the notebook and the phone?

22 A. I am in the habit of holding both of them at
23 once.

24 Q. And that was at the time you were struck?

25 A. As a general practice, I have the notebook

1 close at hand and I have my phone close at hand.

2 Q. When you say close at hand, I guess I'm
3 questioning --

4 A. Usually, it is like underneath my phone.

5 Q. Okay.

6 A. Like this (indicating). But, you know, it was
7 a fluid situation.

8 Q. All right. Okay. So you might have been
9 carrying your notebook and your phone in your hands at
10 the same time?

11 MR. SCHWARTZ: Objection. Mischaracterizes
12 his testimony. Go ahead.

13 THE WITNESS: I often keep my notebook and
14 my phone in the same hand, but a notebook can go in
15 your pocket. Like, it was a fluid situation. I can't
16 tell you exactly where the notebook was. And, yeah.
17 To answer truthfully, I'm not sure where the notebook
18 was. I know I had a notebook with me. And I know that
19 as a general practice, I like to keep the notebook
20 where I can grab it quickly, and often times hold both
21 the notebook and the phone in one hand. That's the
22 general practice.

23 BY MS. ROBERTSON:

24 Q. Okay. No, I appreciate that clarification.

25 A. Yeah.

1 Q. And so just to kind of come full circle on
2 that, you are not sure whether you actually had your
3 notebook in your hand, it could have been in your hand
4 with your phone, or it could have been in your pocket.
5 Because it was a fluid situation, you don't have a
6 specific recollection.

7 A. I do not recall exactly where my notebook was.

8 Q. Okay.

9 A. I know that I -- what I do remember, if you
10 recall like the -- when I was closer to the Third
11 Precinct and I was worried that I -- that that was
12 keeping -- that the treating of the young man was sort
13 of keeping me fixed in place, when in those situations,
14 I like to be sort of mobile so I can adjust to the
15 situation as necessary. It was keeping me fixed in
16 place. And when I was trying to like signal in a way
17 that was clear that I was press, I used the notebook to
18 do that. So I like held it up and looked and tried to
19 make eye contact with the officer. So when I say that,
20 to say, like, I was trying to keep the notebook visible
21 at times as a way of -- because, you know, I was aware
22 that that was the one thing that officers could see.
23 Now, but that's a general rule. That's not, you know,
24 the specific moment that you are referring to when I
25 got shot, I can't recall exactly what was in my hands.

1 Q. And so I think you said that some individuals
2 nearby helped you out?

3 A. Attempted to render what treatment they could.

4 Q. Okay.

5 A. Because I was bleeding from the face and it was
6 on the ground.

7 Q. And did they give you the bandage that's
8 pictured in that tweet?

9 A. Yes. Yes.

10 Q. And I think you said also a tear gas canister
11 landed close by to you?

12 A. Well, what I can tell you that I remember is I
13 was on the ground, I was getting treatment, and a cloud
14 of tear gas came over the group. Everyone started
15 coughing and -- there was a moment where they had to
16 leave or where they backed up as they were trying to
17 gather themselves and I was alone.

18 Q. And is this when -- I'm sorry. Go ahead.

19 A. Sorry. Go on.

20 Q. And I just wanted to clarify, this was still in
21 that sort of parking lot area that you described?

22 A. Correct.

23 Q. Okay. How long were you alone for?

24 A. I can tell you, what I remember is that a
25 woman, I was -- I remember I wanted to get out of the

1 tear gas. I was coughing. I could not see. And the
2 people around me had scattered. It probably wasn't
3 that -- I remember a woman sort of grabbed my arm and,
4 like, basically guided me away from the tear gas. But
5 it's really hard to give you like a time stamp,
6 considering the circumstances.

7 Q. Okay. Where did you go?

8 A. She led me to a side of a building, talked to
9 me to make sure that I was okay, and I -- yeah, I just
10 remember a brief conversation with her, getting her
11 name and information and I remember that I was leaning
12 against a building.

13 Q. Do you know what building it was?

14 A. I can't say for sure. It would have been
15 further north.

16 Q. So further north on Minnehaha?

17 A. Yeah.

18 Q. And when in relation to that interaction did
19 you take that selfie that you posted in the tweet?

20 A. I can't say for sure.

21 Q. How long did you remain there after you were
22 struck in the face?

23 A. I would say more than ten minutes, but I can't
24 say for sure.

25 Q. And when did you decide to leave or was there

1 something that occurred that made you decide to leave?

2 A. Well, there was, I mean, again, I am trying to
3 be an independent observer here. I am in like the
4 crowd of protesters, but I am trying to observe what
5 they are doing and what police are doing. And I did
6 observe at that point someone breaking a window near
7 where I was.

8 Q. Do you remember what building they broke a
9 window on?

10 A. Can you bring up the map again?

11 Q. Certainly.

12 MS. TRIBIE: I'm just going to object as to
13 the scope.

14 BY MS. ROBERTSON:

15 Q. Go ahead.

16 A. So I did see a window get -- I'm guessing it
17 was near the Aldi's. I think there is maybe a liquor
18 store, a small store, somewhere in that vicinity and --
19 but I think the main thing was is that I was -- I felt,
20 you know, I felt under pressure to keep working
21 throughout this time and I was trying to see if I could
22 gather myself to continue, but I determined that I
23 couldn't, that I needed to leave. And that was more
24 about self-analyst than anything. I was trying to
25 continue to observe what was happening, but had I been

1 in better condition, I would have stayed.

2 Q. Okay. How did you leave?

3 A. I just kind of made my way to my car. I
4 remember people asking me if I needed help along the
5 way.

6 Q. Okay. Were you able to drive yourself away?

7 A. I was. I'm not sure how wise that was, in
8 retrospect, but I wanted to -- because I tried to tell
9 my daughter that I was okay, that I was injured but
10 okay and then that just made her feel more worried
11 because, obviously, that is incomplete information from
12 her point of view. And I was eager to like get back to
13 her. And, also, I was a little bit shook. I mean, I
14 was shaken, trying to observe still what was happening,
15 but needed to leave.

16 Q. Do you believe that you were targeted to be hit
17 in the face because you were a journalist?

18 MR. SCHWARTZ: Objection. Asked and
19 answered.

20 THE WITNESS: I'm confident that the officer
21 who shot me in the face knew I was a journalist.

22 BY MS. ROBERTSON:

23 Q. Okay. Do you believe it is possible that you
24 were hit by accident?

25 MR. SCHWARTZ: Objection.

1 THE WITNESS: I can't -- I'm not going to
2 speculate as to the intentions or actions that I did
3 not witness. What I can say is that I only messaged my
4 daughter at that point because I had taken a step out
5 of what I perceived to be the potential line of fire
6 between protesters and police.

7 BY MS. ROBERTSON:

8 Q. Okay. So is there anything else you want to
9 tell me about what happened to you on May 27th, 2020?

10 A. I'm sure there will be plenty of future
11 opportunities to do that.

12 Q. Then I want to move to talk about the other
13 incident or incidents you spoke of from May 30th, 2020.

14 A. Okay.

15 Q. Had you been out in the field reporting any
16 time between May 27th and May 30th?

17 A. I'm sorry. I'm trying to recall.

18 Q. No worries. If it gives you any context,
19 May 28th was the evening where the Third Precinct was
20 set on fire.

21 A. Yeah. I started that evening at George Floyd
22 Square and then -- no, actually, I was out all night
23 with another reporter whose name is in that -- I'm sure
24 you're familiar with -- and started on Lake Street
25 maybe and then went down to the 38th and Chicago area.

1 No, then went to the Third Precinct, then went back to
2 38th and Chicago. I was -- yeah, I mean, I don't want
3 to -- how do I put it -- there was a lot going on in
4 that particular moment but, yes, I was out reporting.
5 I don't want to give you a mischaracterization of
6 exactly when I was where.

7 Q. Okay. But you were out, you think, the night
8 the Third Precinct was set on fire?

9 A. Yeah.

10 Q. And when you say May 30th, 2020, was that in
11 the early, like after midnight May 29th, if that makes
12 sense, or are you talking the evening of May 30th?

13 A. Which? What are you referring to?

14 Q. Well, you told me about these other incidents
15 that happened on May 30th where an officer pointed
16 something, a weapon at you. Another one where they
17 said, "I wish I could have --"

18 A. "Pegged you," which is an odd choice of words,
19 but it was theirs.

20 Q. "-- pegged you." Okay. So, I'm just trying to
21 get, because the night or the date May 30th, 2020, is a
22 whole 24-hour period. Are we talking about after
23 1:00 a.m.?

24 A. No, this is protests that were, you know, after
25 -- I remember it was a protest after curfew or around

1 the arrival of curfew. It was around that time.

2 Q. Okay. So it would have been sort of like after
3 8:00 p.m.?

4 A. Correct.

5 Q. But close -- Okay. But you think it is that
6 evening time of May 30th?

7 A. Yes.

8 Q. Okay. So then I'm going to go back and ask you
9 a question about were you out on May 29th, 2020,
10 reporting?

11 A. Is that the Third Precinct fire?

12 Q. No. The 28th is the Third Precinct fire. May
13 29th, 2020 was a lot of activity concentrated around
14 the Fifth Precinct.

15 A. I was not at the Fifth Precinct.

16 Q. Okay. But I guess were you out between the
17 28th when the Third Precinct was set on fire and the
18 30th when you described these incidents with police?

19 A. Honestly, I would have to go back and check.

20 Q. All right. And so on the 30th, when this other
21 incident happened, can you describe where you were?

22 A. Yeah. There was a line of protesters in the
23 street. And police -- a line of police started to form
24 down the street from them. And Maggie and I positioned
25 ourselves to the side so that we were not in-between

1 them but could observe those parties.

2 Q. Okay. And you said this was sometime -- not
3 too long after the curfew went into effect?

4 A. Yeah.

5 Q. All right. And what street were you on?

6 A. I don't recall.

7 Q. Do you remember what area of town you were in?

8 A. I mean, I could probably determine this looking
9 at the footage and talking to her, but in a broad
10 sense, south Minneapolis area. Yes. Like as in not
11 south-south, but like within the broader area of
12 Lyn-Lake, Nicollet, that area. I can't -- right now, I
13 can't recall exactly the intersection.

14 Q. Okay. And you said you were with someone named
15 Maggie? Can you give us her full name?

16 A. Koerth. She works for 538. I don't want to
17 mispronounce it. But I think that she's referenced in
18 the tweets. I can try to look it up right now if you
19 want.

20 (Court Reporter requesting clarification.)

21 MR. SCHWARTZ: No, that's alright. You
22 don't have to look it up.

23 BY MS. ROBERTSON:

24 Q. Do you know the spelling of the name even if
25 you can't pronounce it?

1 A. No, but I'm sure you have it in your records.

2 MS. ROBERTSON: I will try to provide that
3 to you, Madam Court Reporter.

4 Q. Okay. So, you were in the Lyn-Lake, Nicollet
5 area. We know it was after 8:00 p.m. curfew. Was it
6 dark yet?

7 A. Yes.

8 Q. And the protesters you observed, what were they
9 doing?

10 A. Standing in the street.

11 Q. And that evening, were you still carrying the
12 same equipment that we talked about earlier?

13 A. I remember very specifically that, you know,
14 there had been, like, press had, just as everyone else
15 did, we realized the scale of what was happening and
16 the seriousness of it. So I had a more clearly labeled
17 like reflective press indication on me. And I can't
18 say for sure what equipment I had with me at that
19 particular moment, but I know that I had like those --
20 I had -- I was trying to have as many indications as
21 possible that I was press. I was aware that it was
22 night, too, which was part of why what part of it was
23 reflective and part of why I was so vocal about being
24 press, because I didn't want to be misunderstood as
25 being anything else.

1 Q. Okay. The reflective -- you described it as a
2 reflective press indication. Where were you wearing it
3 on your person?

4 A. I'd have to go back and look at the photos, but
5 it was like I had one here (indicating) and one behind
6 me.

7 Q. Were you still wearing a face mask?

8 A. I don't recall.

9 THE WITNESS: Can I run to the rest room? I
10 don't even have to take a full break. I just have to
11 run -- I'm sorry. I've been drinking water.

12 MR. SCHWARTZ: Yeah, yeah, yes. We can take
13 a break.

14 MS. ROBERTSON: Yes, we can definitely take
15 a break.

16 THE WITNESS: I'm not trying to drag it out.
17 I just --

18 MS. ROBERTSON: That's okay. I'll take the
19 opportunity to use the restroom as well. Let's come
20 back at 10:45.

21 THE WITNESS: All right. Thanks.

22 MS. ROBERTSON: Thanks.

23 (Break taken from 10:40 a.m. to 10:52 a.m.)

24 (Discussion off the record.)

25 BY MS. ROBERTSON:

1 Q. Okay. Mr. Goyette, we were talking about
2 May 30th, 2020. What I was going to ask is were you
3 wearing any protective equipment, such as a helmet or a
4 gas mask or goggles?

5 A. I believe I had goggles on. I wasn't able to
6 get a bullet proof vest that quickly, so I was wearing
7 a life jacket, just something, and then I put "press"
8 on the life jacket.

9 Q. So the press sign was reflective or was the
10 life jacket also reflective?

11 A. I think the life jacket was reflective. I
12 remember that we worked to put like press insignia on
13 our life jackets. I can't recall exactly the material
14 used at this point. I would have to go back and check
15 and confer, but there was, yeah.

16 Q. And you were wearing, you said, goggles?

17 A. Yeah.

18 Q. What kind of goggles?

19 A. I don't recall the kind of goggles I had. I
20 just had them ready if I needed them. I think I had
21 protective eye stuff or protective goggles from when I
22 have done weed-whacking in the past. So it was likely
23 that.

24 Q. Any other protective equipment?

25 A. Not that I recall.

1 Q. Okay. So you said you were standing off to the
2 side of the street?

3 A. Correct.

4 Q. Okay. Were you on the sidewalk?

5 A. I think I was not on -- I think we were not on
6 the sidewalk, but a little bit further away from the
7 street and the sidewalk. Does that make sense? The
8 sidewalk was in front of me. There was, first, the
9 sidewalk, then the street, but there was a buffer of
10 distance.

11 Q. Okay. And you said the protesters were located
12 in the street itself?

13 A. Yes.

14 Q. And so as this line of police passed you, what
15 happened?

16 A. Well, as they started to get closer, one, I
17 backed up. I'm trying to make sure that I'm
18 sufficiently off to the side so that I don't end up
19 directly behind them or there is not a risk of me
20 ending up directly behind them, but that I'm also
21 visible to them. And that was the first thing. You
22 know, as they got closer, I just verbally said, "press,
23 press," because I was nervous.

24 Q. So, I want to ask you a couple of questions
25 about what we have talked about so far. You said you

1 didn't want to be directly behind them. Why was that?

2 A. Because, you know, you don't want to be
3 directly behind or above a line of officers because
4 that's where they're vulnerable and they're defensive
5 and protective of areas where they're vulnerable. And
6 I'm trying to stay out of their way and I'm trying to
7 appear not to be a threat and I'm also trying to be
8 clearly press.

9 Q. Okay. And so you said when they got closer,
10 you said, "press, press," several times?

11 A. Yeah.

12 Q. How loudly were you saying this?

13 A. It grew in a crescendo. I guess that's
14 redundant.

15 Q. So would you say you were shouting it at some
16 point?

17 A. At the end, yeah. I only shouted it because
18 they turned their guns at me. So I'm like, "press,
19 press, press" (indicating tone).

20 Q. So you got louder when you thought they were
21 aiming towards you?

22 A. I got louder when I saw them aim the gun at my
23 face.

24 Q. How did you know they were aiming a gun at your
25 face?

1 A. Because I saw them turn with the gun and point
2 it at my face.

3 Q. Do you know what kind of gun it was?

4 A. I don't have a clear memory of that. If my --
5 I remember it being like larger barrel which made me
6 think like a bean bag type round. But that's not
7 definitive. I'm not saying here that it was definitely
8 a bean bag round pointing at me, to be clear.

9 Q. I understand. Do you remember if the barrel,
10 if it was -- what color the barrel was?

11 A. Dark.

12 Q. Now, I think you said at one point, you said
13 "gun" or used the plural "guns" or "weapons". I can't
14 remember what you said --

15 A. Well, officers -- Sorry.

16 Q. I'm sorry. Go ahead. I'm just trying to get
17 an idea if there was more than one officer aiming at
18 you.

19 A. So I'm going to try to speak as exactly as I
20 can, but leaving some room for what I don't recall and
21 do recall.

22 There was -- the officers had weapons of some kind.
23 My assumption right now is that those were less than
24 lethal weapons, but I can't say for sure. I remember
25 that the officers in general sort of looked in my

1 direction and I remember one officer very specifically
2 turning, seeing me, pointing at me, and keeping it on
3 me. And I was so focused on that particular officer at
4 that point, that I don't recall what the other officers
5 were doing with their weapons.

6 Q. Okay. When you use the word "weapons," what
7 types of weapons are you referring to?

8 A. I can't recall. I just remember the guy
9 pointing a gun at my face.

10 Q. Okay. I guess, by "other weapons," were you
11 referring to weapons that looked like guns or could you
12 also be referring to, like, riot batons or mace or
13 anything else?

14 A. They weren't -- they hadn't reached the line of
15 protesters yet. I presume that they were equipped with
16 those things. What I distinctly remember is the
17 officer pointing a gun at me.

18 Q. Uh-huh. Okay.

19 A. And my colleague.

20 Q. And your colleague was Maggie Koerth?

21 A. Yeah, correct.

22 Q. Did the officer move the weapon so it looked to
23 be pointing at you and then at her or was it just --

24 A. I remember him -- it seemed to me that he
25 pointed it at me. Like he saw me, pointed it at me,

1 and kept it pointed at me, which is why my voice kept
2 on -- why I started to shout.

3 Q. Could you see the officer's face?

4 A. He had a visor on, but yes.

5 Q. What do you mean by "a visor"?

6 A. Like, I remember there being like a protective
7 shield kind of scenario, I believe. What I remember
8 most distinctly is like a moment of sort of eye
9 contact. You know, I can't -- I would have to look
10 back at the footage which I filmed so like as far as --
11 as to how they were dressed, but I remember there being
12 a moment of eye contact.

13 Q. Okay. Was the officer wearing a gas mask?

14 A. I don't believe so.

15 Q. You said you took footage of this incident?

16 A. Well, the footage, you know, the footage is
17 kind of like of -- there is before, but then as they
18 approached, I, like, put my hands up and was very
19 focused on just not getting hurt and not filming, so
20 you will see, like, the phone doesn't stay fixed on the
21 officers because I'm trying to show my hands.

22 Q. Okay. So it was your phone that you were
23 filming with?

24 A. Yes.

25 Q. Did you have your large camera with you at this

1 point?

2 A. I can't say for sure. I know I carried it with
3 me to the Third Precinct, the initial incident. After
4 that, at some point I became more reliant on the phone
5 because of the mobility that it provided. I sometimes
6 kept my camera with me as kind of a backup, but I
7 became more reliant on my phone. I can't say for sure
8 where the camera was at that moment.

9 Q. And when you described that you were showing
10 your hands, do you remember where they were relative to
11 the rest of you?

12 A. No. I just remember I was trying to show the
13 officers that I was not a threat and that I was press.
14 I was, yeah, it was -- I had recently been shot in the
15 face, so I was anxious.

16 Q. All right. And you described making eye
17 contact with the officer who was pointing a weapon at
18 you?

19 A. Uh-huh.

20 Q. How long was the weapon pointed toward you?

21 A. I remember, longer than it needed to be. I
22 thought as if he made a point of keeping it fixed on me
23 after it was clear that I was press.

24 Q. Did you ever speak with this officer besides
25 yelling, "press"?

1 A. No, because they were approaching the line of
2 protesters.

3 Q. So you don't know actually what he was
4 thinking, do you?

5 MR. SCHWARTZ: Objection --

6 THE WITNESS: Well, all I can speak to is
7 that I clearly identified myself as press. I was with
8 another reporter. We were both labeled as clearly as
9 press as we could be in those circumstances. She was
10 also saying, "press." And that I saw the officer point
11 a gun at me and then as I said, "press," he continued
12 to point it at me, and as I said, "press" again, he
13 continued to point it at me, until I said, please, you
14 know, I told him not to point the gun at me. I may
15 have used more colorful language. But it was
16 prolonged. It was not a just (indicating) and away.
17 He kept it pointed at me, enough for me to say, "press"
18 at least three times.

19 Q. Okay. And so you took footage of the incident
20 with your phone, we talked about --

21 A. With the caveat that when I have my hands --
22 when I'm trying to say "press," I'm not -- at that
23 moment, I'm not focused on filming, I'm focused on not
24 getting shot again. So this isn't high quality
25 cinematic video.

1 (Exhibit 2 marked for identification.)

2 Q. Right. All right. Now I'm going to show you a
3 video, and I'm going to talk about this as Exhibit 2,
4 which you can tell me whether or not this is the video
5 that we are talking about.

6 MS. ROBERTSON: And this does have a Bates
7 Label, Mr. Schwartz. It is from the Goyette case,
8 Plaintiffs000157. Do you have any objection to me
9 showing this video to your client?

10 MR. SCHWARTZ: I do not.

11 MS. TRIBIÉ: Heather, can you also please
12 send us this video since we don't have it.

13 MS. ROBERTSON: It will be provided as an
14 exhibit to this deposition. And you will be able to
15 see it right now.

16 I'm going to try it one more time to make
17 sure that I am including the sound. Hold on. There we
18 go. It should work now.

19 (Exhibit 2 being played at this time.)

20 THE WITNESS: I can't believe it went on
21 like that. Jesus.

22 BY MS. ROBERTSON:

23 Q. Okay. Where you able to see and hear that
24 video?

25 A. Yes.

1 Q. Is that the video that you were referring to as
2 capturing this incident?

3 A. Yeah, you are not seeing what I'm seeing in the
4 video, but you are seeing some of the scene.

5 Q. Okay.

6 A. I wasn't shining a phone at the person who had
7 a gun pointed at me, because I wanted him to see my
8 face and I wanted him to understand what I was saying.

9 Q. Were you able to see in that video the person
10 who pointed the gun at you?

11 A. No, it was -- like I said, it was very
12 specifically not pointed at the -- they were closer to
13 me than the people in the video.

14 Q. Okay. So the people that walked past you on
15 the video, none of those people are the people that
16 pointed a gun at you?

17 MR. SCHWARTZ: Objection.

18 THE WITNESS: Yeah, I -- when I'm saying
19 "press," you cannot see the person who is pointing a
20 gun at me.

21 BY MS. ROBERTSON:

22 Q. Okay. I'm being unclear in my question. I
23 wasn't asking if you could see the incident on video.
24 What I am asking you is, the officers that walked past
25 you in the video, can you identify one of them as the

1 individual who was pointing the weapon at you?

2 A. Not at this time, no.

3 Q. Okay. Did the officer that was pointing the
4 weapon at you, was it possible that he passed behind
5 you?

6 A. No.

7 Q. Okay. The officer pointing a weapon at you,
8 did he leave the street and go a different direction?

9 A. Not to my knowledge.

10 Q. All right. Would it be reasonable to expect
11 that the officer that was pointing the weapon at you
12 was captured as passing you later in the video?

13 MR. SCHWARTZ: Objection.

14 THE WITNESS: I cannot say for sure. I
15 really can't. I would have to think about it and look
16 at the video a dozen more times to be -- and then,
17 yeah, I can't say for sure. Because, yeah, there is
18 other possibilities.

19 BY MS. ROBERTSON:

20 Q. What are those other possibilities?

21 A. Sorry. Meaning that they could have passed in
22 a way that the camera doesn't capture because of the
23 angle that the camera was facing, for instance.

24 Q. Okay. I'm going to show you the video one more
25 time and when you watch the video, I would ask that if

1 you do see the officer who you believe was pointing the
2 weapon at you, if you would --

3 A. Please, um, yeah, I told you the answer and I'm
4 going to stick to that answer, so I don't really see a
5 need to see the video again.

6 Q. Okay. Regardless, I am going to show it one
7 more time. If you are able to give me more
8 information, great. If not, that's perfectly fine,
9 too. I'm just asking for what information you know.

10 A. Just realize that this is difficult, but, thank
11 you.

12 Q. Okay. I'm not intending to make it difficult
13 for you. I'm just trying to get some information. So
14 we are just going to try it one more time. If it
15 doesn't, you know, get anywhere, then --

16 MR. SCHWARTZ: Hold it. Hold it. He has
17 said that it is difficult to watch this. I would ask
18 you to respect that. And do you want to say anything
19 else about that, Jared?

20 THE WITNESS: I mean, there is a lot more to
21 say about that generally. This was -- I was under
22 pressure to keep -- in my mind -- to keep working
23 because it felt -- well, because there was a basic
24 economic thing. You are a freelancer. You are paid to
25 work. You are not on salary. But, also, like this was

1 a moment of importance and I wanted to be out there,
2 but I probably should, like -- how do I put it -- I was
3 under a lot of emotion. It was a difficult time, both
4 because I had recently been shot in the face and
5 looking back on it is difficult because it was such a
6 -- I had an understanding, like it really shook my
7 understanding of -- of -- how do I put it -- of, I
8 guess, a basic level of trust that I had in terms of
9 what the -- that the role of journalists was respected
10 and understood and that was hard to go through that
11 kind of questioning that this incident provoked. And I
12 don't like to dwell on it too much and I -- yeah.

13 Yeah, there is a lot of, both directly and afterwards,
14 there is a lot of negative associations with it. And I
15 very clearly remember how afraid I was in that moment
16 and I sort of feel that again now as you play it.

17 BY MS. ROBERTSON:

18 Q. Do you need a minute?

19 A. No, I just -- you know, I understood the need
20 to play it once. I just didn't see the need to play it
21 again, but if you need to play it, I understand.

22 Q. All right. Well, I'm trying to kind of walk a
23 line here.

24 MR. SCHWARTZ: Yeah, I --

25 MS. ROBERTSON: Mr. Schwartz, can I have

1 just a second to think, please?

2 MR. SCHWARTZ: Yes.

3 MS. ROBERTSON: Thank you. I appreciate
4 that.

5 BY MS. ROBERTSON:

6 Q. Okay. Well, Mr. Goyette, I'm going to take you
7 at your word that it is not going to be fruitful to
8 play it again. I don't mean to harass you or, you
9 know, make you feel traumatized. I was just trying to
10 get some further information if we could figure out,
11 you know, who it was that was pointing a weapon at you,
12 but I understand what you are saying.

13 All right. So after that line of officers passed,
14 what did you do next?

15 A. You know, the next distinct -- the sharpest
16 memory I have is the officer, you know, approaching in
17 the SUV. Now, I'd have to talk to Maggie and look back
18 to see exactly how much time passed from one to the
19 other. These are the kind of instances where you
20 remember very specific things very, very well and some
21 of what's in-between isn't as clear because, you know,
22 you're moving from place to place.

23 Q. Do you remember how far you had moved
24 in-between this incident and what happened with the
25 officer with the SUV?

1 A. I would have to go back and check to be sure.

2 Q. What would you have to go back and check?

3 A. I'd want to see if there was any other, you
4 know, did I film anything else between that and the
5 next thing? Were there any other tweets between that
6 thing and the next thing that could help me, like,
7 pinpoint? I remember that I was shaken by the initial
8 thing. Like, it's not like me to -- honestly, I think
9 that's the only time I have ever cursed at a police
10 officer in my life. And I did apologize -- you know,
11 some would say it wasn't necessary, but I did apologize
12 for that publicly. But, yeah, I was shaken by what
13 happened and I -- I remember the interaction with the
14 SUV happening a relatively short time after that. At
15 that time there were no more protesters in the street
16 and Maggie and I were together off to the side. I
17 believe it was with the same group of officers, because
18 we were -- when he -- you know, my recollection is that
19 when he pulled up, he knew who -- he knew that we were
20 press, we were clearly labeled and we had just recently
21 had that interaction in which I had made it really
22 clear that I was press.

23 Q. So were there other officers, you know --

24 A. Yes.

25 Q. -- out in the street? How many?

1 A. I remember that they were moving, so there may
2 have been some walking that direction, but they were
3 moving out of there to another location.

4 Q. So this -- where was this SUV that approached
5 you in relation to the officers that were in the
6 street?

7 A. What I remember is I was talking to Maggie --
8 and when I say SUV, I mean a Minneapolis police, like,
9 SUV. Like clearly labeled squad car. And it pulled up
10 to us. And when you have a police vehicle, like,
11 approach you, you stop what you're doing and you focus
12 on that vehicle and you wait for orders. So that's,
13 you know, I -- it's hard for me to give you a complete,
14 ambient description of everything that was happening in
15 that moment or leading up to that. But I remember like
16 being, oh, this car is approaching us, stop and wait.

17 Q. Okay. So it was a police vehicle --

18 A. It was a police vehicle, yes.

19 Q. And it was a Minneapolis police vehicle?

20 A. Yes.

21 Q. How many police officers were in the car?

22 A. I can't say.

23 Q. Was there more than one?

24 A. Like I just told you, but I know what was said
25 to me, what the officer said to me. I would have -- I

1 would think that there wouldn't have been someone in
2 the passenger seat. Well, I can't say. I just
3 remember the window going down. I didn't get a good
4 look at the officer. They said that, "I wish I could
5 fucking peg you." I understand that to be, like, hit
6 you. And I was shocked. Like, you know, I try to be
7 empathetic to everyone in the situation, but I did not
8 expect that.

9 Q. Was that the only thing that was said?

10 A. Yes. He didn't wait for -- he just -- he
11 didn't wait for a response. He wasn't interested in a
12 conversation. He wanted to relay that.

13 Q. And then what happened?

14 A. He put the window back up and left.

15 Q. Where did he go?

16 A. Down the street.

17 Q. How fast?

18 A. I don't recall.

19 Q. Was it maintaining a set distance behind the
20 other officers?

21 A. I can't say that that was the role that that
22 car was playing.

23 Q. Okay. Was the car, when it approached you, was
24 it going slowly?

25 A. It didn't speed up. It didn't -- yeah, it

1 wasn't -- I wasn't -- I was not -- had it approached me
2 very fast, I would think I would have a memory of being
3 startled by the arrival of a very fast car. And I
4 remember it more as more distinctively approaching us,
5 stopping, it was a tense situation, you will stop when
6 you see police appear to be approaching you. And I
7 don't remember if it was moving fastly [sic], but I
8 remember it was definitely moving -- it definitely sort
9 of pulled up next to us.

10 Q. Do you recall what the squad number was on this
11 police vehicle?

12 A. No.

13 Q. Okay. Do you know what side of the street you
14 were on, if that makes sense?

15 A. I was off to the side of the street. My
16 recollection is that the passenger side window is the
17 one that was pulled down. It was dark inside the
18 vehicle though. And that's what I mean by I couldn't
19 get a good look of what was happening inside and more,
20 I distinctly remember what I heard, but I didn't get a
21 good look inside the vehicle.

22 Q. And what did you do after the vehicle drove
23 off?

24 A. I remember -- I remember just Maggie and I
25 talking about what had happened and just being like,

1 did you hear what -- did this just happen, you know?
2 Like we were both kind of shocked and conferred to make
3 sure that, you know, just conferred about what we just
4 witnessed.

5 Q. And what did you do next?

6 A. It was a long night in a series of long nights
7 and I can't tell you exactly what I did at that point
8 other than trying to complete my job. The constant
9 pressure is that you're trying to -- I'm constantly
10 sending feeds in; right? You have a document of the
11 tweets. What's in-between the tweets is sending in
12 paragraphs of information to editors who would
13 incorporate that into articles. And that is -- the
14 need to constantly do that is on my mind. I'm not just
15 tweeting, I guess is my point.

16 Q. All right. And so you continued reporting?

17 A. As I recall, yes. I remember there not being
18 -- well, I would have to go back and check, because in
19 terms of what was that night and what was the night
20 after that. Yeah. But as far as I can tell, I
21 continued reporting. I don't remember anything
22 distinctive happening that night. There was a later
23 point in which I talked to a security guard by a Somali
24 mall, but I think that might have been the next day and
25 I would have to go back and check to see when that

1 interview occurred. I'm sorry. I feel it's bad form
2 to refer to it as a "Somali mall," but anyone who knows
3 that area knows what I'm talking about and I just can't
4 remember the actual name of it.

5 Q. Do you remember how many days after this you
6 continued reporting on these protests?

7 A. Several. How I remember it is just operating
8 off of like an imperative to keep, you know, to keep
9 working and functioning on adrenaline and needing to
10 get the job, you know, and just focusing on -- I
11 remember hitting a wall at some point though and
12 stopping. I can't -- I would have to go back and look
13 as to how many days it was. I know I didn't steadily
14 go through the week. It was like I did a burst of
15 things around the Third Precinct in the days after, but
16 I don't think I -- I think I paused at some point. It
17 probably was after that night, but I would have to go
18 back and check.

19 Q. Okay. And when you said you hit a wall and
20 stopped reporting, what contributed to that?

21 A. My eye still hurt. It was hurting to look at
22 screens. I didn't want to stop working, but I was in
23 pain. And what had happened had also had a
24 psychological impact. You can hear that in the video.
25 And I was tired, because these were long -- you know,

1 you were -- you know, I was tired, sleep-wise, I was
2 drained, and I was in pain.

3 Q. Did you have any other interactions with law
4 enforcement after that May 30th incident that you told
5 me about?

6 A. In what time period?

7 Q. During what would be considered the George
8 Floyd protests?

9 A. Where do you draw the line? Like, in the sense
10 of like, arguably it went on all that summer. The
11 George Floyd Square becomes more of a permanent thing.
12 There was interactions around there. But the protests
13 themselves in those few days, the initial protests -- a
14 contributing factor here is that I have at various
15 times been in touch with law enforcement. So, it's
16 possible that I would have touched base with the PIO at
17 some point, and I know I did later, but I'm also aware
18 that they are getting flooded with calls and everything
19 imaginable at that point. So I know that they are very
20 busy and hard to reach. But, yeah, as a person who is
21 like -- it would be very easy for me to have been in
22 touch and not remember it, because it was something I
23 would have done regularly beforehand and continue to do
24 now.

25 Q. Okay. And I will try to be a little more

1 precise.

2 A. Yeah.

3 Q. Did you have any kind of interactions with
4 Minneapolis police officers in a -- in the field, where
5 they would be actively policing a situation?

6 A. I remember vaguely one of -- that was more
7 positive in nature where I remember the officer saying
8 -- like me trying to identify myself as -- it was a
9 calmer situation. Right in front of protests, the
10 officer sort of walked up to us and we were like,
11 press, you know, and he was like, he said something to
12 the effect of, I know you are just trying to do your
13 job. That happened, but that was like an officer that
14 actually seemed to want to talk to us and it was more
15 friendly in that particular moment.

16 Yeah, and I think that, you know, those things are
17 real. So, yeah. I would be remiss if I didn't mention
18 that that happened at some point. Possibly the same
19 evening or day after.

20 Q. Okay. And in your work as a reporter since
21 then, have you had interactions with Minneapolis police
22 officers who were actively doing police work in the
23 field?

24 MR. SCHWARTZ: Objection to scope.

25 THE WITNESS: There was an incident where

1 there was a shooting at George Floyd Square and I was
2 -- because of conversations I had had in terms of like
3 helping journalists, a lot of foreign journalists would
4 come here and not know right from left, if you will.
5 And they would speak to people that were more regular
6 here for orientation and direction. So I would be in
7 touch with foreign correspondents sometimes. And I
8 became aware that one of the people I had talked to had
9 captured footage that would be potentially relevant to
10 an investigation, and they were trying to decide
11 whether they should approach police or not. And I
12 talked them through that and, you know, they eventually
13 ended up -- I ended up connecting them with -- how do I
14 put it -- I sort of gave them the -- they made the
15 decision, but I sort of talked them through it. And
16 they said, basically, they didn't know if they needed
17 to be afraid or not. And in this context I didn't
18 think they needed to be. And they ended up cooperating
19 with detectives.

20 BY MS. ROBERTSON:

21 Q. All right. So since the last incident you
22 talked about on May 30th, 2020, have you been
23 threatened with injury by any Minneapolis police
24 officers while working as a journalist?

25 A. Not by -- You know, there were instances around

1 Daunte Wright where -- but Minneapolis police weren't
2 there.

3 Q. Okay. Do you think that there should be
4 credentials made available for journalists by the city
5 of Minneapolis?

6 MR. SCHWARTZ: Objection. You're asking for
7 his expert opinion? He is here as a fact witness.

8 MS. TRIBIÉ: Also objecting.

9 BY MS. ROBERTSON:

10 Q. Mr. Goyette?

11 A. That's a complicated question. I was -- like I
12 had a concern of -- as things escalated, that I want to
13 know what the police are requiring and what they're --
14 what they are asking of people so that we are clear.
15 So I try to keep in communication with them on that.
16 But I think that a city credentialing formally is a
17 slippery slope, if you will, into the government
18 credentialing journalists and we know, you know, that's
19 kind of against the spirit of the First Amendment. But
20 I am not an expert on the First Amendment, so probably
21 not your best person to talk to.

22 Q. Okay. Do you continue to fear for your safety
23 in working as a journalist in Minneapolis?

24 A. I'm afraid that if a similar dynamic or a
25 similar situation were to repeat itself with mass

1 protests, that some of what we saw in terms of
2 individual officers deliberately targeting journalists
3 because they were press, with the full knowledge that
4 they were press, I fear that that would repeat itself,
5 because there has been no acknowledgement or
6 accountability on the part of the city to recognize and
7 correct that behavior. But I -- yeah.

8 Q. You, personally, have not experienced any
9 continuation after they --

10 MR. SCHWARTZ: Objection. Objection. Asked
11 and answered. Are you arguing with him now?

12 MS. ROBERTSON: I'm just trying to clarify
13 so I haven't missed anything.

14 THE WITNESS: What I'm telling you is my
15 fears are specific about the dynamic in which I fear
16 that happening. And that dynamic has not replicated
17 itself, at least not that I have been a part of it.
18 But would I be afraid if that were to happen tomorrow?
19 Yes.

20 BY MS. ROBERTSON:

21 Q. Okay. Have you covered any other protests
22 occurring in Minneapolis since --

23 A. I have avoided it --

24 Q. -- May 2020?

25 A. I have avoided being in the scene generally,

1 because I -- well, around the Daunte Wright
2 situation -- the killing of Daunte Wright, of course --
3 I remember there was another -- okay. Basically, both
4 times I tried to go back and cover protests, things
5 happened to me that were re-traumatizing. And I know
6 that's a heavy word to use, but it's for lack of a
7 better one. I don't know how best to describe it. And
8 I believe there was an incident where there was a
9 suicide -- or officers were pursuing a subject
10 downtown, that subject committed suicide, there was a
11 period of time where it wasn't clear how the person had
12 died or under what circumstances. People were assuming
13 it was a police killing. And I was out in the field
14 covering that and that happened after George Floyd.

15 Q. Okay. But did something happen to you?

16 A. Not -- yeah, there wasn't -- it wasn't a -- I
17 -- it wasn't from the police.

18 Q. Okay. All right. And you said covering the
19 Daunte Wright protests, am I accurate in saying you had
20 other encounters with other law enforcement?

21 MR. SCHWARTZ: Objection. He said the city
22 wasn't involved with that. This is way, way outside of
23 the scope. It's not your client. You are asking him
24 specifically about his encounters with the Hennepin
25 County police?

1 MS. ROBERTSON: I'm just trying to a hundred
2 percent make the record crystal clear that it was with
3 other, not Minneapolis law enforcement.

4 MR. SCHWARTZ: And that's way outside the
5 scope.

6 BY MS. ROBERTSON:

7 Q. Is that correct, Mr. Goyette?

8 MR. SCHWARTZ: Objection. Way outside the
9 scope.

10 THE WITNESS: To my knowledge, MPD did not
11 respond to the protests in Brooklyn Center following
12 the murder of -- or, you know, the killing of Daunte
13 Wright, manslaughtering [sic].

14 BY MS. ROBERTSON:

15 Q. And my -- your specific experiences that you
16 had were not with the Minneapolis Police Department?

17 A. At Daunte Wright's -- in Brooklyn Center?

18 Q. Right.

19 A. Correct.

20 Q. All right.

21 MS. ROBERTSON: Mr. Goyette, I am going to
22 be done with my questions now. Thank you for answering
23 them. I appreciate you appearing and speaking with me.

24 THE WITNESS: For what it's worth, I don't
25 see you as some kind of big villain in this. I

1 understand you are just trying to do your job and that
2 is to protect the city and I respect your role in that
3 regard.

4 MS. ROBERTSON: Thank you, sir.

5 MR. SCHWARTZ: All right. I do not have any
6 questions. So if Ms. Tirado's counsel wants to take a
7 few minutes to ask Mr. Goyette questions, that's fine
8 with me.

9 MS. TRIBIÉ: Thank you.

10 So first of all, I'm just going to note, for
11 the record, that we are reserving our right to recall
12 Mr. Goyette, if needed. We had asked for time to be
13 reserved. There is now four minutes left and I will be
14 very respectful of the hard stop that you and your
15 counsel have, Mr. Goyette, so I'm going to keep this
16 very brief, but we ask --

17 THE WITNESS: I can come back.

18 MS. TRIBIÉ: Thank you, yes. We reserve our
19 right to have you recalled because the City did not
20 make that time available and spent time asking largely
21 irrelevant questions, for the record, to what this
22 deposition was supposed to be. So we really appreciate
23 that.

24
25 EXAMINATION

1 BY MS. TRIBIÉ:

2 Q. So the only questions I'll ask you, and I will
3 keep it very brief.

4 So, Mr. Goyette, you are aware that Ms. Tirado is a
5 freelance journalist; is that right?

6 A. Correct.

7 Q. And to be clear, freelance journalists are
8 still journalists just like a journalist that would
9 work for any news organization; is that right?

10 A. Correct. Unequivocally. Correct, yes.

11 Q. Thank you. And are freelance journalists
12 worthy of First Amendment protections and First
13 Amendment -- are they permitted to exercise their First
14 Amendment rights and worthy of First Amendment
15 protections?

16 A. Yes.

17 Q. Thank you. Give me just one moment.

18 MS. TRIBIÉ: No further questions for today,
19 but again, we will reserve our right recall you,
20 Mr. Goyette. Thank you so much.

21 MR. SCHWARTZ: All right. Thanks, all.

22 MS. ROBERTSON: And I will note that it is
23 11:42 a.m. on my clock. Thank you.

24 MR. SCHWARTZ: Okay. Thank you.

25 MS. ROBERTSON: And, Jill, I will send you

1 the exhibits.

2 MR. SCHWARTZ: Yeah, and Mr. Goyette will
3 read and sign. All right. Thanks, everybody. Have a
4 good rest of the day.

5
6 (Whereupon this deposition was concluded at
7 11:42 a.m.).

8 * * *

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April 6, 2022

To: Mr. Schwartz

Case Name: Tirado, Linda v. City Of Minneapolis Et Al

Veritext Reference Number: 5168017

Witness: Jared Goyette Deposition Date: 4/4/2022

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to production-midwest@veritext.com.

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ASSIGNMENT REFERENCE NO: 5168017

CASE NAME: Tirado, Linda v. City Of Minneapolis Et Al

DATE OF DEPOSITION: 4/4/2022

WITNESS' NAME: Jared Goyette

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

Date Jared Goyette

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20____.

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 5168017

CASE NAME: Tirado, Linda v. City Of Minneapolis Et Al

DATE OF DEPOSITION: 4/4/2022

WITNESS' NAME: Jared Goyette

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date

Jared Goyette

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections in the appended Errata Sheet;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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